



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**

September 5, 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
September 5, 2023

CALL TO ORDER - 5:30 PM

SPECIAL PRESENTATIONS

1. RECOGNITION OF THE INDEPENDENCE DAY PARADE AWARD WINNERS

**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
SEPTEMBER 5, 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

INVOCATION

Father Christopher Navarro - St. Christopher's Catholic Church

ROLL CALL

INTRODUCTIONS

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

**PUBLIC COMMENTS ON ANY SUBJECT 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 - CLOSED SESSION - AUGUST 15, 2023 4:00 PM.

Recommendation:

1. Approve as submitted.

- A.3. MINUTES - CITY COUNCIL - REGULAR MEETING - AUGUST 15, 2023 6:00 PM.

Recommendation:

1. Approve as submitted.

- A.4. LIST OF PERSONNEL CHANGES (Report of: Financial & Management Services)

Recommendation:

1. Ratify the list of personnel changes as described.

- A.5. ACCEPT 2023 SCHOOLS AND LIBRARIES PROGRAM (E-RATE) FUNDING COMMITMENT FROM USAC (Report of: Parks & Community Services)

Recommendations: That the City Council and CSD:

1. Accept Funding Year 2023 Schools and Libraries Program (E-rate) funding from The Universal Service Administrative Company (USAC); and
2. Authorize the Executive Director/City Manager and or the Parks & Community Services Director and or its designee, to complete and submit required documentation, forms, reimbursement requests and other items related to this funding commitment; and
3. Authorize a budget adjustment in FY 23/24 for the City's 15% match/share of cost for the E-rate program.

- A.6. ACCEPT GRANT FUNDING FROM CA STATE LIBRARY LSTA FY 23/24 FOR MOVAL GAMERS LAIR PROJECT (Report of: Parks & Community Services)

Recommendations: That the City Council and CSD:

1. Accept grant funding from the California State Library for the MoVal Gamers Lair project in the amount of \$69,042 in federal Library Services and Technology Act (LSTA) funds; and
2. Authorize the Executive Director/City Manager or its Authorized Representative, Parks & Community Services Director, or designee to submit required reports, payment claims and other application documents for LSTA funds; and
3. Authorize the Executive Director/City Manager to process a budget amendment and appropriation in the amount of \$69,042 in FY 23/24; and
4. Authorize the Executive Director/City Manager to enter into an agreement for services with Library Systems & Services (LS&S) to provide the MoVal Gamers Lair project in the amount of \$69,042.

- A.7. SUBMITTAL OF COMMUNITY RESILIENCE CENTERS PLANNING GRANT ROUND 1 APPLICATION FY 23/24 (Report of: Parks & Community Services)

Recommendations: That the City Council and CSD:

1. Authorize the Executive Director or its Authorized Representative, Parks & Community Services Director, or designee to submit a grant application to the California Strategic Growth Council for the Community Resilience Centers (CRC) Planning Grant Round 1 funding.

- A.8. APPROVE THE ACCEPTANCE OF CALIFORNIA ARREARAGE PAYMENT PROGRAM FUNDS FOR UTILITY BILL RELIEF (Report of: Public Works)

Recommendations:

1. Approve Resolution 2023-XX. A Resolution of the City Council of the City of Moreno Valley, California, to accept the California Arrearage Payment Program (CAPP) funds; and
2. Authorize the City Manager to accept any future CAPP fund payments for Electric Utility bill relief.

- A.9. APPROVE RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RATIFYING THE ATTESTATION OF

VERACITY SUBMITTED TO THE CALIFORNIA ENERGY COMMISSION FOR THE 2022 POWER SOURCE DISCLOSURE PROGRAM ANNUAL REPORT (Report of: Public Works)

Recommendation:

1. Approve Resolution No. 2023-XX. A Resolution of the City Council of the City of Moreno Valley, California, Ratifying the Attestation of Veracity submitted to the California Energy Commission for the 2022 Power Source Disclosure Program Annual Report.

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 - CLOSED SESSION - AUGUST 15, 2023 4:00 PM.

Recommendation:

1. Approve as submitted.

- B.3. MINUTES - CITY COUNCIL - REGULAR MEETING - AUGUST 15, 2023 6:00 PM.

Recommendation:

1. Approve as submitted.

- B.4. PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) - AMENDMENT NOS. 90, 93, 100, 102, 105, 108, and 110 - 113 (RESO. NOS. CSD 2023-___ to CSD 2023-__) (Report of: Financial & Management Services)

Recommendation:

1. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 90) (Jose Guadalupe Guzman Plata and Gisela Morales, located at 12671 and 12673 Sunnymeadows Dr.).

2. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 93) (Moss San Bernardino Properties, located at the northwest corner of Eucalyptus Ave. and Auto Mall Dr.).
3. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 100) (Eduardo J. Pinzon, Marina C. Pinzon, and Jennifer Elizabeth Pinzon, located at 21236 Shakespeare Ct.).
4. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 102) (Angel Salgado Alvarez, located at 13669 Phyllis Ave.).
5. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 105) (Serrano Esther Living Rev Trust DTD 3/25/22 and Esther Serrano, located at 11910 Venetian Dr.).
6. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 108) (LCG MVD, located at the northeast corner of Heacock St. and Hemlock Ave.).
7. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 110) (Eddie Gomez, located at 11129 Red Hill Rd.).
8. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno

Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 111) (James Taylor Suchy, located at 15864 Alisa Viejo Ct.).

9. Adopt Resolution No. CSD 2023-61, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 112) (13790 Mangowood Drive Land Trust and Kathryn L. Durocher, located at 13788 and 13790 Mangowood Dr.).
10. Adopt Resolution No. CSD 2023-62, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 113) (Juan O. Hernandez, located at 25596 Jonestown Dr.).

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 - CLOSED SESSION - AUGUST 15, 2023 4:00 PM.

Recommendation:

1. Approve as submitted.

- C.3. MINUTES - CITY COUNCIL - REGULAR MEETING - AUGUST 15, 2023 6:00 PM.

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 - CLOSED SESSION - AUGUST 15, 2023 4:00 PM.

Recommendation:

1. Approve as submitted.

D.3. MINUTES - CITY COUNCIL - REGULAR MEETING - AUGUST 15, 2023 6:00 PM.

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 - CLOSED SESSION - AUGUST 15, 2023 4:00 PM.

Recommendation:

1. Approve as submitted.

E.3. MINUTES - CITY COUNCIL - REGULAR MEETING - AUGUST 15, 2023 6:00 PM.

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. GATEWAY HEIGHTS 108 UNIT CONDOMINIUM PROJECT (Report of: Community Development)

Recommendations: That the City Council:

1. **ADOPT** Resolution 2023-XX:
 1. **CERTIFYING** the Initial Study/Mitigated Negative Declaration prepared for the Proposed Project consisting of General Plan Amendment (PEN20-0095), Change of Zone (PEN20-0096), Tentative Tract Map 38459 (PEN22-0127) and Conditional Use Permit (PEN21-0066); and
 2. **ADOPTING** the Mitigation Monitoring and Reporting Program prepared for the Mitigated Negative Declaration; and
2. **ADOPT** Resolution 2023-XX:
 1. **APPROVING** General Plan Amendment (PEN20-0095), Change of Zone (PEN20-0096), Tentative Tract Map 38459 (PEN22-0127) and Conditional Use Permit (PEN21-0066); and
3. **INTRODUCE** Ordinance No. [next in order]:
 1. Approving Change of Zone (PEN20-0096) and corresponding amendment to the City's Zoning Atlas.

F.2. APPEAL (PAA23-0007) OF PLANNING COMMISSION APPROVAL OF MASTER PLOT PLAN (PEN21-0289), PLOT PLANS (PEN23-0081, PEN23-0082, AND PEN23-0083), CONDITIONAL USE PERMITS (PEN20 0110, PEN20 0111, AND PEN20 0112), AND TENTATIVE PARCEL MAP NO. 37942 (PEN21-0288) FOR THE DEVELOPMENT OF AN 8.4-ACRE COMMERCIAL CENTER AND THE PROPOSED PROJECT'S RELATED MITIGATED NEGATIVE DECLARATION (Report of: Community Development)

Recommendations: That the City Council:

- A. **ADOPT** Resolution No. 2023-__ attached hereto:
 1. **DENYING** Appeal PAA23-0007 upholding the Planning Commission's approval of the Proposed Project which consists of Plot Plan (PEN21-0289), Plot Plans (PEN23-0081, PEN23-0082, and PEN23-0083), Conditional Use Permits (PEN20-0110, PEN20-0111, and PEN20-0112), and Tentative Parcel Map No. 37942 (PEN21-0288); and
- B. **ADOPT** Resolution No. 2023-__ attached hereto:
 1. **AFFIRMING** the Planning Commission's certification and approval of the Proposed Project's Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

F.3. ADOPTION OF COUNTY ORDINANCES NUMBERS 523 AND 640 REGARDING CONTROL OF VECTORS AND ESTABLISHING

ENVIRONMENTAL HEALTH SERVICES FEES AND PENALTIES (ORD. NO. XXX), AND FINDING THE ACTION EXEMPT FROM CEQA (Report of: Community Development)

Recommendations: That the City Council:

1. Introduce and conduct first reading of Ordinance No. XXX, amending Title 6 of the City of Moreno Valley Municipal Code, adding Chapter 6.16, adopting by reference Riverside County Ordinance No. 523; and amending Title 3 of the City of Moreno Valley Municipal Code, adding Chapter 3.52, adopting by reference Riverside County Ordinance No. 640.
2. Schedule a public hearing to receive public input regarding adoption of Ordinance No. XXX on October 3, 2023, and consider adoption of Ordinance No. XXX upon conclusion of said public hearing.
3. Find the action exempt from California Environmental Quality Act (CEQA) pursuant to 15061(b)(3) of CEQA Guidelines.

F.4. MUNICIPAL CODE AMENDMENTS TO MODIFY PROVISIONS IN TITLE 8, SECTION 8.21.020 – PERMITS REQUIRED AND SECTION 8.21.160 – EROSION CONTROL (Report of: Public Works)

Recommendations:

1. Conduct a Public Hearing on proposed amendments to Section 8.21.020 and Section 8.21.160 of Title 8 of the City of Moreno Valley Municipal Code.
2. Introduce Ordinance No. XXX, an Ordinance of the City Council of the City of Moreno Valley, California, thereby amending the City of Moreno Valley Municipal Code Section 8.21.020 and Section 8.21.160 related to development grading regulations.
3. Set the second reading and adoption of the Ordinance for the next regularly scheduled Council Meeting on October 3, 2023.

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

H. GENERAL BUSINESS

H.1. APPROVE REVISING POLICY 3.06 TRAVEL & RELATED BUSINESS EXPENSES (ELECTED OFFICIALS) TO ENHANCE THE TRANSPARENCY REPORTING (Report of: City Manager)

Recommendation:

1. Approve revising Policy 3.06 TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS) to include additional transparency requirements for the reporting of the travel and training forms.

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: 8/31/2023

**MINUTES
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 PUBLIC FINANCING AUTHORITY
MORENO VALLEY HOUSING AUTHORITY**

**CLOSED SESSION – 4:00 PM
August 15, 2023**

CALL TO ORDER

The Closed Session 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, Housing Authority, and the Moreno Valley Public Financing Authority was called to order at 4:00 p.m. by Mayor Cabrera in the Council Chamber located at 14177 Frederick Street, Moreno Valley, California.

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

ROLL CALL

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

PUBLIC COMMENTS ON MATTERS ON THE AGENDA ONLY

Mayor Cabrera opened the public comments portion of the meeting for items listed on the agenda only.

Roy Bleckert

1. Transparency.

Pete Bleckert

Minutes Acceptance: Minutes of Aug 15, 2023 4:00 PM (CONSENT CALENDAR-CITY COUNCIL)

1. Transparency.

Louise Palomarez

1. Transparency.

CLOSED SESSION

City Attorney Quintanilla announced that the City Council would recess to Closed Session to discuss the item as listed on the agenda and that he cannot predict whether there will be closed session announcements tonight.

A CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9
 Case Name: Sierra Club et al. v. City of Moreno Valley
 Case No.: Riverside County Superior Court Case No. CVR12103300

Mayor Cabrera recessed the City Council to the City Manager's Conference Room, second floor, City Hall, for their Closed Session at 4:03 p.m.

Mayor Cabrera reconvened the City Council in the Council Chamber from their Closed Session at 5:54 p.m.

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

City Attorney Steve Quintanilla reported in regard to Item A; Mayor Cabrera, Mayor Pro Tem Delgado, Council Member Baca-Santa Cruz, Council Member Marquez, and Council Member Barnard voted to reject the latest settlement proposal submitted to the City by the California Attorney General's Office and the Sierra Club.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Cabrera adjourned the meeting at 5:55 p.m.

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

**MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
August 15, 2023**

CALL TO ORDER - 5:30 PM

SPECIAL PRESENTATION - NONE

Minutes Acceptance: Minutes of Aug 15, 2023 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
August 15, 2023**

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 Cabrera.

INVOCATION

The invocation was given by Pastor Mark Orellana of Victory Outreach Church.

ROLL CALL

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

Minutes Acceptance: Minutes of Aug 15, 2023 6:00 PM (CONSENT CALENDAR-CITY COUNCIL)

INTRODUCTIONS

Staff:	Jane Halstead	Manager of the Office of the Mayor and City Council/City Clerk
	Patty Rodriguez	Senior Deputy City Clerk
	Steven Quintanilla	Interim City Attorney
	Mike Lee	City Manager
	Brian Mohan	Assistant City Manager, Chief Financial Officer, City Treasurer
	Melissa Walker	Public Works Director/City Engineer
	Jeremy Bubnick	Parks and Community Services Director
	Ken Reichle	Chief of Police
	Jesse Park	Fire Chief

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

RUSSELL SHAFER

- 1. Critical of Mayor Cabrera.

RANDOLPH MUNOZ

- 1. Firework Citations.

BOB PALOMAREZ

- 1. SBX Project comments.

JERRY SHEARER

- 1. Riverside Neighbors Opposing Warehouses, Concerns.

DARYL TERRELL

- 1. Potential Solution to Homelessness.

ANDREW SILVA

- 1. Riverside Neighbors Opposing Warehouses, Concerns.

JUANA AVILA

- 1. Homeowner issues.

LOUISE PALOMAREZ

- 1. Critical of Mayor Cabrera.

Minutes Acceptance: Minutes of Aug 15, 2023 6:00 PM (CONSENT CALENDAR-CITY COUNCIL)

ROY BLECKERT

1. Public Safety.

PETE BLECKERT

1. Edgemont Issues.

CHRISTOPHER BACA

1. Public Safety.

PUBLIC COMMENTS ON MATTERS ON THE AGENDA

Mayor Cabrera asked Council if there were any items they would like pulled for separate action.

Council Member Baca-Santa Cruz stated she would like move items A.6 and A.7 for separate action.

Public comment was called.

Roy Bleckert A.5

1. Critical of California League of Cities.

Public comment was heard.

JOINT CONSENT CALENDARS (SECTIONS A-E)

Mayor Cabrera entertained a motion to approve the consent calendar, excluding items A.6 and A.7.

Motion made by Council Member Marquez and seconded by Mayor Pro Tem Delgado to approve the consent calendar excluding items A.6 and A.7.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Marquez, Council Member
SECONDER:	Ed Delgado, Mayor Pro Tem
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 - Closed Session - Jun 20, 2023 4:30 PM

Recommendation:

1. Approve as submitted.

- A.3. City Council - Regular Meeting - Jun 20, 2023 6:00 PM

Recommendation:

1. Approve as submitted.

- A.4. City Council - Special Meeting - Jul 9, 2023 12:00 PM

Recommendation:

1. Approve as submitted.

- A.5. APPOINT A VOTING DELEGATE AND ALTERNATE DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES (LOCC) 2023 - ANNUAL CONFERENCE BUSINESS MEETING (Report of: City Clerk)

Recommendation:

1. ADOPT RESOLUTION NO. 2023-55– A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPOINTING DELEGATES AND AN ALTERNATE TO THE LEAGUE OF CALIFORNIA CITIES AS OFFICIAL REPRESENTATIVES OF THE CITY OF MORENO VALLEY; and
2. DIRECT STAFF TO SUBMIT TO THE LEAGUE A CERTIFIED COPY OF THE RESOLUTION APPOINTING MAYOR ULISES CABRERA AS THE DELEGATE AND MAYOR PRO TEM EDWARD A. DELGADO AS THE ALTERNATE BY AUGUST 28, 2023.

- A.6. Item Pulled from Consent

- A.7. Item Pulled from Consent

- A.8. ACCEPT DONATION FROM THE MARCH JOINT POWERS AUTHORITY TO BE USED FOR A VETERAN'S DAY ART CONTEST/SHOW (Report of: Parks & Community Services)

Recommendation:

1. Accept a donation in the amount of \$5,000 from the March Joint Powers Authority to be used in a specified manner for a Veteran's Day Art Contest/Show as requested by the Donor.

A.9. PAYMENT REGISTER - MAY 2023 (Report of: Financial & Management Services)

Recommendation:

1. Receive and file the Payment Register.

A.10. PAYMENT REGISTER - JUNE 2023 (Report of: Financial & Management Services)

Recommendation:

1. Receive and file the Payment Register.

A.11. LIST OF PERSONNEL CHANGES (Report of: Financial & Management Services)

Recommendation:

1. Ratify the list of personnel changes as described.

A.12. APPROVE RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE PAYMENT PROGRAMS/GRANTS FOR WHICH THE CITY OF MORENO VALLEY IS ELIGIBLE (Report of: Financial & Management Services)

Recommendations:

1. Adopt Resolution No. 2023-56 - A Resolution of the City Council of the City of Moreno Valley, California, approving the submittal of applications for all CalRecycle grants for which the City of Moreno Valley is eligible.

A.13. RECEIPT OF QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2023 (Report of: Financial & Management Services)

Recommendation:

1. Receive and file the Quarterly Investment Report for quarter ended June 30, 2023, in compliance with the City's Investment Policy.

- A.14. RESOLUTION OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING THE AMENDED RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JANUARY 1, 2024 THROUGH JUNE 30, 2024 (ROPS 23-24B) (Report of: Financial & Management Services)

Recommendations: That the City Council as Successor Agency:

1. Adopt Resolution No. SA 2023-05. A Resolution of the City Council of the City of Moreno Valley, California, Serving as Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley Approving the Amended Recognized Obligation Payment Schedule for the Period of January 1, 2024 through June 30, 2024 (ROPS 23-24B), and Authorizing the City Manager acting for the Successor Agency or his/her Designee to Make Modifications Thereto.
2. Authorize the City Manager acting for the Successor Agency or his/her Designee to make modifications to the Schedule.
3. Authorize the transmittal of the ROPS 23-24B, for the period of January 1, 2024 through June 30, 2024, ("Exhibit A") to the Countywide Oversight Board, for County of Riverside, for review and approval.

- A.15. ACCEPT GRANT FUNDING FROM THE INLAND SOCIAL CREATIVE CORPS A COMPONENT FUND AT THE INLAND EMPIRE COMMUNITY FOUNDATION FOR MY MOVAL MURAL PROJECT (Report of: Parks & Community Services)

Recommendations: That the City Council and CSD:

1. Authorize the City Manager/Executive Director or its Authorized Representative, Parks & Community Services Director, or designee to accept grant award from the Inland SoCal Creative Corps a Component Fund at the Inland Empire Community Foundation for my MoVal Mural Project in the amount of \$70,000 in FY 23/24; and
2. Authorize the City Manager/Executive Director or designee to process necessary budget adjustments and appropriations in FY 23/24 for the grant award funds received.
3. Authorize the Parks and Community Services Director to move the mural locations if any of the primary locations are not viable for any reason.

- A.16. AUTHORIZE SUBMISSION OF GRANT APPLICATION TO CA DEPT OF TRANSPORTATION FOR FUNDING UNDER FTA SECTION 5310 (Report of: Parks & Community Services)

Recommendations: That the City Council and CSD:

1. Authorize the Executive Director or its Authorized Representative, Parks & Community Services Director, or designee to submit a grant application to the California Department of Transportation for funding under the Federal Transit Administration under Section 5310 of the Federal Transit Act (FTA C 9070.1G) for the acquisition of an ADA accessible vehicle and related equipment and programming costs necessary to transport seniors and individuals with disabilities; and
2. Adopt Resolution No. CSD 2023-65. A resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, approving submission of an application to the California Department of Transportation for funding under FTA Section 5310; Approving coordination and implementation of the awarded project; Authorizing a designated representative to file and execute applications on behalf of the City/CSD, execute and file all certification of assurances, contracts or agreements or any other document required by the California Department of Transportation, provide additional information in connection with the application for the Section 5310 projects, and submit and approve request for reimbursement of funds for Section 5310 project/s.
3. Authorize the City Manager/Executive Director or designee to process necessary budget adjustments and appropriations in FY 23/24 if the CSD is successful and awarded grant funds.

- A.17. REQUEST FOR CITY SPONSORSHIP OF SOUTHWEST VETERANS' BUSINESS RESOURCE CENTER ANNUAL SUMMIT (Report of: Parks & Community Services)

Recommendations:

1. Approve a request for sponsorship funds by the Southwest Veterans' Business Resource Center (SVBRC) based on criteria prescribed in the City's Sponsorship Policy and prior Council approvals.
2. Approve a sponsorship greater than the limit of \$2,500 as set forth in the General management Policy No. 2.13, City Sponsorship Policy, Section V Sponsorship Amounts.

- A.18. APPROVAL OF UPDATED SCHEDULE FOR COMMUNITY DAY OF SERVICE EVENTS (Report of: Parks & Community Services)

Recommendation:

Approve the recommended updated schedule of Community Day of Service events.

- A.19. PEN19-0007 – ADOPTION OF THE PROPOSED RESOLUTION FOR THE SUMMARY VACATION OF A SOUTHERLY PORTION OF BRODIAEA AVENUE LOCATED EAST OF LASSELLE STREET. DEVELOPER: VILLA ANNETTE LP. (Report of: Public Works)

Recommendations:

1. Adopt Resolution No. 2023-57. A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of a Southerly Portion of Brodiaea Avenue Located East of Lasselle Street.
2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

- A.20. APPROVE THE THIRD AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH WSP USA INC FOR THE SUNNYMEAD MASTER DRAINAGE PLAN STORM DRAIN LINE F STAGE 5 AND LINE F-7 STAGE 1, PROJECT NO. 804 0008 (Report of: Public Works)

Recommendations:

1. Approve the Third Amendment to the Agreement for Professional Consultant Services with WSP USA Inc (WSP USA) to perform additional services as required by Riverside County Flood Control and Water Conservation District (RCFC&WCD) to complete the Final Design, Environmental Clearance, and Right-of-Way Documentation for the Sunnymead Master Drainage Plan Line F and Line F-7 Stage 1 project, funded with Federal Emergency Management Agency Hazard Mitigation Grant Program (FEMA HMGP) Funds and RCFC&WCD Master Drainage Plan Fees;
2. Authorize the City Manager to execute the Third Amendment to Agreement for Professional Consultant Services with WSP USA for the Sunnymead Master Drainage Plan Line F and Line F-7 Project, subject to the approval by the City Attorney;
3. Authorize an amendment to the existing Purchase Order with WSP USA in the amount of \$124,255 for a new total purchase order not-to-exceed amount of \$603,970 once the Third Amendment has been signed by all parties;

4. Authorize an amendment to the Agreement termination date, extending the termination date from December 31, 2023 to December 31, 2024; and
5. Authorize the City Manager to execute any subsequent Amendments to the Agreement with WSP USA within City Council approved annual budgeted amounts, including the authority to authorize the associated purchase orders in accordance with the terms of the Agreement, subject to approval by the City Attorney.

A.21. ACCEPTANCE OF RIVERSIDE COUNTY TRANSPORTATION COMMISSION MEASURE A REGIONAL ARTERIAL FUNDING AND APPROVAL OF THE FOURTH AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH MICHAEL BAKER INTERNATIONAL FOR THE INDIAN STREET / CARDINAL AVENUE BRIDGE (OVER LATERAL A), PROJECT NO. 802 0004 (Report of: Public Works)

Recommendations:

1. Accept and approve funding in the amount of \$750,000.00 in Measure A Regional Arterial (MARA) funds from the Riverside County Transportation Commission (RCTC) for the Indian Street / Cardinal Avenue Bridge (Over Lateral A) Project;
2. Authorize the City Manager to execute RCTC Funding Agreement No. 23-72-099-00, and any subsequent amendments, subject to the City Attorney review and approval;
3. Authorize a budget adjustment as set forth in the Fiscal Impact section of this report;
4. Authorize the City Manager to execute the Fourth Amendment to Agreement for Professional Consultant Services with Michael Baker International for the Indian Street / Cardinal Avenue Bridge Project, subject to the approval by the City Attorney;
5. Authorize an amendment to the existing Purchase Order with Michael Baker International in the amount of \$745,248 for a new total purchase order not-to-exceed amount of \$1,395,248 once the Fourth Amendment has been signed by all parties; and
6. Authorize the City Manager to execute any subsequent Amendments to the Agreement with Michael Baker International within City Council approved annual budgeted amounts, including

the authority to authorize the associated purchase orders in accordance with the terms of the Agreement, subject to the approval of the City Attorney.

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 - CLOSED SESSION - JUNE 20, 2023 4:30 PM. (SEE ITEM A.2.)

Recommendation: Approve as submitted.

- B.3. MINUTES - CITY COUNCIL - REGULAR MEETING - JUNE 20, 2023 6:00 PM (SEE ITEM A.3.)

Recommendation: Approve as submitted.

- B.4. MINUTES - CITY COUNCIL - SPECIAL MEETING - JUL 9, 2023 12:00 PM

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 - CLOSED SESSION - JUNE 20, 2023 4:30 PM. (SEE ITEM A.2.)

Recommendation: Approve as submitted.

- C.3. MINUTES - CITY COUNCIL - REGULAR MEETING - JUNE 20, 2023 6:00 PM. (SEE ITEM A.3.)

Recommendation: Approve as submitted.

- C.4. MINUTSE - CITY COUNCIL - SPECIAL MEETING - JUL 9, 2023 12:00 PM

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 - CLOSED SESSION - JUNE 20, 2023 4:30 PM. (SEE ITEM A.2.)

Recommendation: Approve as submitted.

- D.3. MINUTES - CITY COUNCIL - REGULAR MEETING - JUNE 20, 2023 6:00 PM. (SEE ITEM A.3.)

Recommendation: Approve as submitted.

- D.4. MINUTES - CITY COUNCIL - SPECIAL MEETING - JUL 9, 2023 12:00 PM

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 - CLOSED MEETING - JUNE 20, 2023 4:30 PM. (SEE ITEM A.2.)

Recommendation: Approve as submitted.

- E.3. MINUTES - CITY COUNCIL - REGULAR MEETING - JUNE 20, 2023 6:00 PM. (SEE ITEM A.3.)

Recommendation: Approve as submitted.

- E.4. MINUTES - CITY COUNCIL - SPECIAL MEETING - JUL 9, 2023 12:00 PM

Recommendation:

1. Approve as submitted.

F. PUBLIC HEARINGS - NONE

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

- G.1. MAYORAL APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS
(Report of: City Clerk)

Recommendation:

1. Receive and confirm the slate of Mayoral Appointments as follows.

Mayor Cabrera called for Council questions of staff.

With no Council questions of staff, Mayor Cabrera called for public comments to be heard.

Public comments were heard.

VONZETTA FIELDING A.6

1. Support Dr. Mary McBean.

NICOLE TAYLOR A.6

1. Introduction.

RYLEE PEAK A.6

1. Introduction.

DARYL TERRELL A.6

1. Introduction.

JESUS ALEMAN A.6

1. Support Genevieve Aleman.

MIGUEL CHAVEZ A.6

1. Support Genevieve Aleman.

PATRICK BARWINSKI A.6

1. Support Genevieve Aleman.

SAMMIE LUNA A.6

1. Support Genevieve Aleman.

DEBORAH HARRIS A.6

1. Support Dr. Mary McBean.

ROGER POWELL A.6

1. Support Genevieve Aleman.

BERNICE JOHNSON A.6

1. Support Dr. Mary McBean.

ROY BLECKERT A.6,

1. Planning Commission Concerns.

BYRON PORTILLO A.6

1. Support Genevieve Aleman.

ANTONIO MARTINEZ A.6

1. Support Genevieve Aleman.

DONOVAN MORENO A.6

1. Support Genevieve Aleman.

MITZI ARCHER A.6

1. Introduction.

DR. JENIFFER CARSON A.6

1. Introduction.

CHRISTOPHER BACA A.6

1. Support Genevieve Aleman.
2. Planning Commission Concerns.

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

G.2. 1. Planning Commission Concerns.
COUNCIL DISCRETIONARY EXPENDITURE REPORTS FOR FISCAL YEARS 2022/2023 FROM JULY 1, 2022 THROUGH JUNE 30, 2023. (Report of: City Clerk)

1. Planning Commission Concerns.

Recommendation:

1. With the conclusion of public comments, Council deliberation was held and the Fiscal Year 2022/2023 Council Discretionary Expenditure Report for July 1, 2022 through June 30, 2023. Council Member Baca-Santa Cruz, Mayor Pro Tem Delgado, Council Member Cabrera called for Council questions of staff. Council Member Barnard deliberated on the item. Council Member Baca-Santa Cruz had questions for staff. Council Member Baca-Santa Cruz made a motion to approve the City Clerk Appointments and Assistant City Manager Brian Mohan a response to Council Member Baca-Santa Cruz's inquiries of the Planning Commission. The motion was seconded by Mayor Pro Tem Delgado. With no additional Council questions of staff, Mayor Cabrera called for public comments to be heard.

Mayor Cabrera proposed an alternate motion to approve the Mayoral Appointments as presented, with Council Member Marquez seconding the motion.
 1. Concerns.

Interim City Attorney Steven Quintanilla provided clarification and stated the City Council must first vote on the alternate motion.

1. Concerns.

Motion made by Mayor Cabrera and seconded by Council Member Marquez to approve the Mayoral Appointments as is.
 Public comments were heard.

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

Assistant City Manager Brian Mohan responded to Council Member Mayor Cabrera called for a short recess at 7:54 PM. Barnard's inquiry.

The City Council Meeting resumed at 8:05 PM.

Motion made by Mayor Cabrera and seconded by Council Member Baca-Santa Cruz to direct staff to return on 9/5 revising the travel and training expense policies to add additional transparency in a monthly report for Council approval similar to

Minutes Acceptance: Minutes of Aug 15, 2023 6:00 PM (CONSENT CALENDAR-CITY COUNCIL)

the Discretionary reporting.

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

RESULT: APPROVED [UNANIMOUS]
MOVER: Ulises Cabrera, Mayor
SECONDER: Elena Baca-Santa Cruz, Council Member
AYES: Cabrera, Delgado, Marquez, Barnard, Baca-Santa Cruz

With the conclusion of Council deliberation, Mayor Cabrera entertained a motion.

Motion made by Mayor Pro Tem Delgado and seconded by Council Member Baca-Santa Cruz to approve the Council Discretionary Expenditure Reports for fiscal year 2022/2023.

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

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

H. GENERAL BUSINESS

- H.1. APPROVE AGREEMENT WITH THE LAW OFFICES OF QUINTANILLA & ASSOCIATES TO DISCHARGE THE DUTIES OF CITY ATTORNEY AND DESIGNATE STEVEN B. QUINTANILLA AS CITY ATTORNEY (Report of: City Manager)

Recommendations:

1. Approve Agreement with the Law Offices of Quintanilla & Associates to discharge the duties of City Attorney and designate Steven B. Quintanilla as City Attorney.

Interim City Attorney Steven Quintanilla recused himself from this item and left the Council Chambers at 8:25pm.

Assistant City Manager Brian Mohan provided the staff report.

With the conclusion of the staff report, Mayor Cabrera called for

Council questions of staff.

Mayor Pro Tem Delgado asked a question of staff.

Assistant City Manager Brian Mohan answered Mayor Pro Tem Delgado's inquiries.

With the conclusion of Council questions, Mayor Cabrera called for public comments to be heard.

PETE BLECKERT

1. Critical Comments.

BOB PALOMAREZ

1. Critical of Council Member Marquez.

LOUISE PALOMAREZ

1. Critical of Mayor Cabrera, Council Member Marquez.

ROY BLECKERT

1. City History.

Public comments were heard.

With the conclusion of public comments, Mayor Cabrera called for Council deliberation.

Council Member Marquez provided comments on the item. Council Member Marquez asked staff if he should recuse himself from this item due to pending litigation.

Assistant City Manager Brian Mohan responded and stated it would in the Council Member Marquez's best interest to recuse himself from this item.

Council Member Marquez left the Council Chambers at 8:39 PM.

Mayor Pro Tem Delgado, Council Member Baca-Santa Cruz, and Mayor Cabrera provided comments on the item.

With the conclusion of Council deliberation, Mayor Cabrera entertained a motion.

Motion made by Mayor Pro Tem Delgado and seconded by

Council Member Baca-Santa Cruz to approve the agreement with the Law Offices of Quintanilla and Associates to discharge the duties of Interim City Attorney and designate Steven B. Quintanilla as City Attorney.

Motion passed by a vote of 4-0-1, with Council Member Baca-Santa Cruz, Council Member Barnard, Mayor Pro Tem Delgado, and Mayor Cabrera voting yes and Council Member Marquez recusing himself.

RESULT:	APPROVED [4 TO 0]
MOVER:	Ed Delgado, Mayor Pro Tem
SECONDER:	Elena Baca-Santa Cruz, Council Member
AYES:	Ulises Cabrera, Ed Delgado, Cheylynda Barnard, Elena Baca-Santa Cruz
RECUSED:	David Marquez

With the conclusion of the item, Council Member Marquez and City Attorney Steven Quintanilla returned to the Council Chambers at 8:42 pm.

I.REPORTS

I.1. CITY COUNCIL REPORTS

March Joint Powers Commission (JPC)

Mayor Pro Tem Delgado reported the following:

We received a report by the JPA's interns regarding development of shade structures at the Meridian South Campus Dog Park.

We voted to support revisions to job classifications for three positions that are changing as the JPA sunsets.

Finally, we established a policy of military priority for housing at Green Acres.

Riverside County Habitat Conservation Agency (RCHCA)

Council Member Barnard reported the following:

Items covered at the RCHCA Board of Directors meeting on August 10, 2023 include:

- The City of Moreno Valley has collected a total of \$59,550 in SKR Mitigation fees as of June 30, 2023.

Riverside County Transportation Commission (RCTC)

Mayor Cabrera reported the following:

The Commission heard the presentation of Fiscal Year 2023/24 Transportation Development Act Article 3 (SB 821) Call for Project and approved the funding recommendations.

The Commission celebrated the Freeway Service Patrol 30th anniversary. The program has assisted more than 1,000,000 motorists.

Riverside Transit Agency (RTA)

Council Member Marquez reported the following:

The Board heard a presentation of the University Pass (U-Pass) program and authorized staff to renew the revenue agreements for the 2023/2024 School Year.

The Board also authorized to award an agreement to Cardinal Infrastructure LLC to provide federal legislative advocacy services for a five-year term.

Western Riverside Council of Governments (WRCOG)

Council Member Baca-Santa Cruz reported the following:

Items covered at the WRCOG Executive Committee meeting on August 7, 2023, included an announcement that WRCOG was awarded a \$421,000 Adaptation Planning Grant (Round 1) grant through the Governor's Office of Planning and Research (OPR).

Western Riverside County Regional Conservation Authority (RCA)

None.

School District/City Joint Task Force

Council Member Baca-Santa Cruz reported the following:

At the Joint Task Force Meeting on August 15, 2023, the Task Force heard updates on the following items:

- Funding for school Crossing Guards.
- Moreno Elementary School traffic improvements.

- First day of school traffic.
- Vacancies in Riverside County Sheriff's Office.
- Moreno Valley Transportation Updates.
- Parks and Community Services events.
- Think Together after school program.
- Moreno Valley Unified Ribbon Cutting.
- Val Verde Unified Community Laundromat.
- Val Verde Police Department update.
- Lake Perris Junior Lifeguard program.
- Funding for Regional Indian Museum.
- Board of Supervisors update.

I.2. EMPLOYEE ASSOCIATION REPORTS

None.

I.3. CITY MANAGER'S REPORT

1. Summer Concert and Movie Series.
2. Moreno Valley State of the City.

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 Baca-Santa Cruz

1. Summer events.
2. Senate Bill 596.

Council Member Marquez

1. Praise Firefighters.
2. Homeless issue.
3. Summer events.

* Council Member Baca-Santa Cruz left the dais at 9:00pm.

Council Member Barnard

1. Back-to-School.

2. Community Meetings.
3. Homeless Issues.

Mayor Pro Tem Delgado

Mayor Pro Tem Delgado yielded his time.

Mayor Cabrera

1. Donations and Grants.
2. Summer events.

Motion made by Mayor Cabrera and seconded by Council Member Marquez to direct staff to return with a staff report to explore the creation of the next satellite library in the City.

Motion passed to add the item to future City Council meeting passed by a vote of 2-0, with Mayor Cabrera and Council Member David Marquez voting yes.

RESULT:	APPROVED [2 TO 0]
MOVER:	Ulises Cabrera, Mayor
SECONDER:	David Marquez, Council Member
AYES:	Ulises Cabrera, David Marquez
AWAY:	Ed Delgado, Cheylynda Barnard, Elena Baca-Santa Cruz

ADJOURNMENT

There being no further business to come before the City Council, Mayor Cabrera adjourned the meeting at 9:12PM in honor of Fire Assistant Chief John Bischof, Fire Captain Tim Rodriguez, and Pilot Tony Sousa.

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: Brian Mohan, Assistant City Manager

AGENDA DATE: September 5, 2023

TITLE: LIST OF PERSONNEL CHANGES

RECOMMENDED ACTION

Recommendation:

1. Ratify the list of personnel changes as described.

DISCUSSION

The attached list of personnel changes scheduled since the last City Council meeting is presented for City Council ratification.

Staffing of City positions ensures assignment of highly qualified and trained personnel to achieve Momentum MoVal priorities, objectives and initiatives.

FISCAL IMPACT

All position changes are consistent with appropriations previously approved by the City Council.

PREPARATION OF STAFF REPORT

Prepared By:
Serina Astorga
Executive Assistant

Department Head Approval:
Brian Mohan
Assistant City Manager
Chief Financial Officer/City Treasurer

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. Personnel changes for staff report

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	8/24/23 1:05 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	8/28/23 8:43 AM

City of Moreno Valley
Personnel Changes- 7/1/23- 7/30/23
September 5,2023

New Hires

Jane Agunwah, Senior Human Resources Analyst, Human Resources

Jocelyn Cervantes, Human Resources Technician, Human Resources

Erik Moreno, Human Resources Analyst, Human Resources

Promotions

Valeria Martin

From: Management Assistant, Purchasing, Financial and Management Services

To: Senior Management Analyst, Grants Administration, City Manager's Office

Jeanine Heynen

From: Management Aide, Parks and Community Services

To: Management Assistant, Parks and Community Services

Patty Yhuit

From: Senior Management Analyst, Parks and Community Services Department

To: Parks and Community Services Administration and Financial Services Division Manager, Parks and Community Services

Nicole Hendricks

From: Community Service Superintendent, Parks and Community Services

To: Community Services Division Manager, Parks and Community Services

Dena Heald

From: Deputy Finance Director, Financial Administration, Financial and Management Services

To: Deputy Compliance Director, City Manager's Office

Jason Niccoli

From: Electric Utility Assistant Manager, Electric Utility, Public Works

To: Electric Utility Division Manager, Electric Utility, Public Works

Transfers

None

Separations

None



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: September 5, 2023

TITLE: ACCEPT 2023 SCHOOLS AND LIBRARIES PROGRAM (E-
 RATE) FUNDING COMMITMENT FROM USAC

RECOMMENDED ACTION

Recommendations: That the City Council and CSD:

1. Accept Funding Year 2023 Schools and Libraries Program (E-rate) funding from The Universal Service Administrative Company (USAC); and
2. Authorize the Executive Director/City Manager and or the Parks & Community Services Director and or its designee, to complete and submit required documentation, forms, reimbursement requests and other items related to this funding commitment; and
3. Authorize a budget adjustment in FY 23/24 for the City's 15% match/share of cost for the E-rate program.

SUMMARY

This report recommends acceptance of a \$72,606.21 funding commitment from Universal Services Administrative Company (USAC) for 2023 Schools and Libraries (E-rate) Program. The E-rate program provides funding towards eligible services for schools and libraries.

DISCUSSION

One of the goals of the E-Rate program is to ensure that schools and libraries across

the U.S. are connected to information and resources through the internet. The Schools and Libraries (E-Rate) program provides funding towards eligible services for schools and libraries. Internet access, telecommunications services, and related equipment are eligible for discounts.

The city applied and received a funding commitment of \$72,606.21 from USAC for the E-rate program. Additionally, through RFP 2022-072, the City selected and contracted with VectorUSA to provide and install upgraded networking equipment at the three libraries. The anticipated cost of the equipment and installation is \$86,680.03. Funds from the E-Rate commitment will cover 85% of the total cost (or \$72,606.21). The city will cover the remaining 15% of the cost (or \$14,073.82).

ALTERNATIVES

1. Approve the recommended actions as presented in this staff report. Staff recommends this alternative as it will have a positive impact on the community by providing upgraded networking equipment at a discounted rate.
2. Do not approve the recommended actions as presented in this staff report. Staff does not recommend this alternative as it will not provide the opportunity for discounted networking and related equipment upgrades.

FISCAL IMPACT

The general fund will not be impacted by this request. Staff is requesting that the City Council approve \$14,073.82 in expenses as the City’s 15% match for the E-Rate program to be paid for out of the Library Services operating fund, 5010.

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 23/24 Budget	Proposed Adjustments	FY 23/24 Amended Budget
Professional Services	5010 Library Services	5010-50-56-35110-620299	Exp	\$0	\$14,074	\$14,074

NOTIFICATION

Posting of agenda.

PREPARATION OF STAFF REPORT

Prepared By:
 Name Patty Yhuit
 Title PCS Admin & Fin Services Division Manager

Department Head Approval:
 Name Jeremy Bubnick
 Title 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.

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.

None

APPROVALS

Budget Officer Approval	<u> ✓ Approved </u>	8/24/23 1:06 PM
City Attorney Approval	<u> ✓ Approved </u>	
City Manager Approval	<u> ✓ Approved </u>	8/28/23 8:46 AM



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: September 5, 2023

TITLE: ACCEPT GRANT FUNDING FROM CA STATE LIBRARY
 LSTA FY 23/24 FOR MOVAL GAMERS LAIR PROJECT

RECOMMENDED ACTION

Recommendations: That the City Council and CSD:

1. Accept grant funding from the California State Library for the MoVal Gamers Lair project in the amount of \$69,042 in federal Library Services and Technology Act (LSTA) funds; and
2. Authorize the Executive Director/City Manager or its Authorized Representative, Parks & Community Services Director, or designee to submit required reports, payment claims and other application documents for LSTA funds; and
3. Authorize the Executive Director/City Manager to process a budget amendment and appropriation in the amount of \$69,042 in FY 23/24; and
4. Authorize the Executive Director/City Manager to enter into an agreement for services with Library Systems & Services (LS&S) to provide the MoVal Gamers Lair project in the amount of \$69,042.

SUMMARY

This report recommends acceptance of a \$69,042 in federal Library Services and Technology Act (LSTA) funds from the California State Library for the MoVal Gamers Lair project.

DISCUSSION

One of the many ways the California State Library (State Library) supports California's libraries is by administering federal and state grant funding. The State Library receives federal grant funding from the Institute of Museum and Library Services (IMLS) under the provisions of the Library Services and Technology Act (LSTA) which is administered in California by the State Librarian.

The purposes and priorities outlined in the Library Services and Technology Act (LSTA) are reflected in the Five-Year Plans submitted by each State Library Administrative Agency (SLAA) and in the over 1,500 annual projects that are supported through the Grants to States program.

The city along with its library service provider, Library Systems & Services (LS&S) applied for LSTA grant year 23/24 funding for the MoVal Gamers Lair project which will include installation of a technology center in the Moreno Valley Mall Library branch, allowing children and teens a safe place to play, experiment and learn about new and emerging technologies through weekly hands-on activities.

The technology center will be designed as a flexible environment, physically with mobile furnishings, and mentally, to broaden exposure to cutting-edge ideas, to encourage scientific exploration and creative expression. The center's gaming core appeals to both children and teens and provides them with a safe space (separate from the public computers) to interact within the gaming and technology world.

A dedicated gaming server will support gaming computers, gaming laptops, virtual reality headsets, a Nintendo Switch, games like Minecraft and Roblox, and TV monitors to screencast virtual views. Among the maker tools and resources are 3D printers, maker tables, tablets, Cricut Joy cutting machines, robotics kits, a smart hydroponic garden, and a new shelving unit on casters, dedicated to juvenile and young adult S.T.E.A.M titles.

Library Associates and student interns will guide at least 100 kids in 20 STEAM programs and at least 100 teens through 20 gaming programs. Both programs will provide opportunities for kids and teens to design their own games, learn to code, practice and compete in esports, and develop graphic design and other technical skills that they can apply in their future endeavors.

Since 2018, the city has successfully partnered with LS&S to staff and facilitate library operations and grant projects. The city would like to continue that partnership through this grant. LS&S will provide the MoVal Gamers Lair project services along with the required reporting as set forth by the California State Library LSTA program.

ALTERNATIVES

1. Approve the recommended actions as presented in this staff report. Staff recommends this alternative as it will have a positive impact on the community by providing funding for the MoVal Gamers Lair project.

- 2. Do not approve the recommended actions as presented in this staff report. Staff does not recommend this alternative as it will not provide the opportunity for funding to acquired and provide the MoVal Gamers Lair project.

FISCAL IMPACT

This grant will be fully reimbursable and will be budgeted in Fund 5010, section 73315 as follows:

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 23/24 Budget	Proposed Adjustments	FY 23/24 Amended Budget
Receipt of Grant	Library Services	5010-50-56-73315-485000 Project no. PCS LIB-GAMERS	Rev	\$0	\$69,042	\$69,042
Contract Services	Library Services	5010-50-56-73315-625099 Project no. PCS LIB-GAMERS	Exp	\$0	\$69,042	\$69,042

NOTIFICATION

Posting of agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Patty Yhuit
PCS Admin & Financial Svcs. Division Manager

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.

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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. DRAFT-Agreement for Services - LSTA Gamers Lair

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	8/24/23 1:06 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	8/28/23 8:44 AM

City of Moreno Valley

AGREEMENT FOR ON-SITE AND/OR PROFESSIONAL SERVICES

This Agreement is made by and between the City of Moreno Valley California, a municipal corporation, with its principal place of business at 14177 Frederick Street, Moreno Valley, CA 92552, hereinafter referred to as the “City”, and **LIBRARY SYSTEMS & SERVICES, LLC, a Maryland limited liability company**, with its principal place of business at **2600 Tower Oaks Boulevard, Suite #200, Rockville, Maryland 20852**, hereinafter referred to as the “Vendor,” based upon City policies and the following legal citations:

RECITALS

- A. Government Code Section 53060 authorizes the engagement of persons to perform special services as independent Vendors;
- B. Vendor desires to perform and assume responsibility for the provision of professional **Library Services and Technology Act (LSTA) Grant MoVal Gamers Lair Project** contracting services required by the City on the terms and conditions set forth in this Agreement. Vendor represents that it is experienced in providing professional **LSTA Grant MoVal Gamers Lair Project** contracting services, is licensed in the State of California, if applicable;
- C. City desires to engage Vendor to render such services for the **LSTA Grant MoVal Gamers Lair Project** as set forth in this Agreement;
- D. The public interest, convenience, necessity and general welfare will be served by this Agreement; and
- E. This Agreement is made and entered into effective the date the City signs this Agreement.

TERMS

1. **VENDOR INFORMATION:**

Vendor’s Name: Library Systems & Services, LLC

Address: 2600 Tower Oaks Blvd., Suite 200

City: Rockville State: MD Zip: 20852

Business Phone: 301-540-5100 Fax No. _____

Attachment: DRAFT-Agreement for Services - LSTA Gamers Lair [Revision 1] (6377 : ACCEPT GRANT FUNDING FROM CA STATE LIBRARY

2. **VENDOR SERVICES, FEES, AND RELEVANT DATES:**

- A. The Vendor's scope of service is described in Exhibit "A" attached hereto and incorporated herein by this reference.
- B. The City's responsibilities, other than payment, are described in Exhibit "B" attached hereto and incorporated herein by this reference.
- C. Payment terms are provided in Exhibit "C" attached hereto and incorporated herein by this reference.
- D. The term of this Agreement shall be from Sep 5, 2023 to Jun 30, 2023 unless terminated earlier as provided herein. The City acknowledges that it will not unreasonably withhold approval of the Vendor's requests for extensions of time in which to complete the work required. The Vendor shall not be responsible for performance delays caused by others or delays beyond the Vendor's reasonable control (excluding delays caused by non-performance or unjustified delay by Vendor, his/her/its employees, or subcontractors), and such delays shall extend the time for performance of the work by the Vendor.

3. **STANDARD TERMS AND CONDITIONS:**

- A. Control of Work. Vendor is solely responsible for the content and sequence of the work and will not be subject to control and direction as to the details and means for accomplishing the anticipated results of services. The City will not provide any training to Vendor or his/her/its employees.
- B. Intent of Parties. Vendor is, and at all times shall be, an independent Vendor and nothing contained herein shall be construed as making the Vendor or any individual whose compensation for services is paid by the Vendor, an agent or employee of the City, or authorizing the Vendor to create or assume any obligation or liability for or on behalf of the City, or entitling the Vendor to any right, benefit, or privilege applicable to any officer or employee of the City.
- C. Subcontracting. Vendor may retain or subcontract for the services of other necessary Vendors with the prior written approval of the City. Payment for such services shall be the responsibility of the Vendor. Any and all subcontractors shall be subject to the terms and conditions of this Agreement, with the exception that the City shall have no obligation to pay for any subcontractor services rendered. Vendor shall be responsible for paying prevailing wages where required by law [See California Labor Code Sections 1770 through 1777.7].
- D. Conformance to Applicable Requirements. All work prepared by Vendor shall be subject to the approval of City.

- E. Substitution of Key Personnel. Vendor has represented to City that certain key personnel will perform and coordinate the services under this Agreement. Should one or more of such personnel become unavailable, Vendor may substitute other personnel of at least equal competence upon written approval of City. In the event that City and Vendor cannot agree as to the substitution of key personnel, City shall be entitled to terminate this Agreement for cause. As discussed below, any personnel who fail or refuse to perform the services in a manner acceptable to the City, or who are determined by the City to be uncooperative, incompetent, a threat to the adequate or timely completion of the project or a threat to the safety of persons or property, shall be promptly removed from the project by the Vendor at the request of the City. The key personnel for performance of this Agreement are as follows: **TODD FRAGER, CEO.**
- F. City's Representative. The City hereby designates the City Manager, or his or her designee, to act as its representative for the performance of this Agreement ("City's Representative"). Vendor shall not accept direction or orders from any person other than the City's Representative or his or her designee.
- G. Vendor's Representative. Vendor hereby designates **TODD FRAGER, CEO**, or his or her designee, to act as its representative for the performance of this Agreement ("Vendor's Representative"). Vendor's Representative shall have full authority to represent and act on behalf of the Vendor for all purposes under this Agreement. The Vendor's Representative shall supervise and direct the services, using his or her best skill and attention, and shall be responsible for all means, methods, techniques, sequences and procedures and for the satisfactory coordination of all portions of the services under this Agreement.
- H. Legal Considerations. The Vendor shall comply with applicable federal, state, and local laws in the performance of this Agreement. Vendor shall be liable for all violations of such laws and regulations in connection with services. If the Vendor performs any work knowing it to be contrary to such laws, rules and regulations and without giving written notice to the City, Vendor shall be solely responsible for all costs arising therefrom. Vendor shall defend, indemnify and hold City, its officials, directors, officers, employees and agents free and harmless, pursuant to the indemnification provisions of this Agreement, from any claim or liability arising out of any failure or alleged failure to comply with such laws, rules or regulations.
- I. Standard of Care; Performance of Employees. Vendor shall perform all services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Vendor represents and maintains that it is skilled in the profession necessary to perform the services. Vendor warrants that all employees and subcontractor shall have sufficient skill and experience to perform the services assigned to them. Finally, Vendor represents that it, its employees and

subcontractors have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the services and that such licenses and approvals shall be maintained throughout the term of this Agreement. Any employee of the Vendor or its subcontractors who is determined by the City to be uncooperative, incompetent, a threat to the adequate or timely completion of the project, a threat to the safety of persons or property, or any employee who fails or refuses to perform the services in a manner acceptable to the City, shall be promptly removed from the project by the Vendor and shall not be re-employed to perform any of the services or to work on the project.

- J. Vendor Indemnification. Vendor shall indemnify, defend and hold the City, the Moreno Valley Housing Authority, and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all claims, damages, losses, causes of action and demands, including, without limitation, the payment of all consequential damages, expert witness fees, reasonable attorney's fees and other related costs and expenses, incurred in connection with or in any manner arising out of Vendor's performance of the work contemplated by this Agreement and this Agreement. Acceptance of this Agreement signifies that the Vendor is not covered under the City's general liability insurance, employee benefits, or worker's compensation. It further establishes that the Vendor shall be fully responsible for such coverage. Vendor's obligation to indemnify shall survive expiration or termination of this Agreement, and shall not be restricted to insurance proceeds, if any, received by the City, the Moreno Valley Housing Authority, and the CSD, and their officers, agents and employees.
- K. Additional Indemnity Obligations. Vendor shall defend, with counsel of City's choosing and at Vendor's own cost, expense and risk, any and all claims, suits, actions or other proceedings of every kind covered by Section "J" that may be brought or instituted against City, the Moreno Valley Housing Authority, and the CSD, and their officers, agents and employees. Vendor shall pay and satisfy any judgment, award or decree that may be rendered against City, the Moreno Valley Housing Authority, and the CSD, and their officers, agents and employees as part of any such claim, suit, action or other proceeding. Vendor shall also reimburse City for the cost of any settlement paid by City, the Moreno Valley Housing Authority, and the CSD, and their officers, agents and employees as part of any such claim, suit, action or other proceeding. Such reimbursement shall include payment for City's attorney's fees and costs, including expert witness fees. Vendor shall reimburse City, the Moreno Valley Housing Authority, and the CSD, and their officers, agents and employees for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided.
- L. CalPERS Indemnity. To the fullest extent permitted by law, in addition to obligations set forth in this section, in the event that any person providing services under this

- Agreement is determined by a court of competent jurisdiction or CalPERS to be eligible for enrollment in CalPERS as an employee of the City, to the fullest extent of the law, VENDOR shall indemnify, defend, and hold harmless City for any costs and expenses incurred by City, including without limitation, payment that City is required as a result to make to CalPERS, whether in the form of employee and/or employer contributions, taxes, or any similar obligations, as well as for the payment of any penalties and interest.
- M. CalPERS Participation. As set forth in this Agreement and in the Request for Qualifications, City has an obligation to treat all persons working for or under the direction of VENDOR as an independent Vendor of City and agents and employees of VENDOR, and not as agents or employees of City. VENDOR and City acknowledge and agree that City participates in a defined benefit plan ("CalPERS"), and that it is possible that CalPERS may find that persons providing services pursuant to this Agreement are employees of City and should be registered with the CalPERS as employees of City.
- N. CalPERS Retiree Disclosure. VENDOR hereby expressly agrees to clearly and conspicuously disclose to City in writing any and all persons working for VENDOR who are retirees under the California Public Employees' Retirement System (CalPERS) whom receives a monthly CalPERS retirement allowance, and whom are, subject to City approval, assigned by VENDOR to provide services to City under the Agreement, prior to such person performing any services hereunder. Nothing herein shall be deemed or interpreted to limit a CalPERS retiree's obligations under applicable law, rules or regulations.
- O. Joint Cooperation. In the event that CalPERS initiates an inquiry that includes examination of whether individuals providing services under this Agreement to City are City's employees, VENDOR shall within five days and share all communications and documents from CalPERS that it may legally share. In the event that either VENDOR or City files an appeal or court challenge, VENDOR and City each agree to cooperate with each other in responding to the inquiry and any subsequent administrative appeal or court challenge of an adverse determination.
- P. Insurance Requirements. Throughout the life of this AGREEMENT, Vendors shall pay for and maintain in full force and effect all insurance as required.

If at any time during the life of this AGREEMENT or any extension, VENDOR or any of its subcontractors fail to maintain any required insurance in full force and effect, all services and work under this AGREEMENT shall be discontinued immediately, and all payments due or that become due to VENDOR shall be withheld until notice is received by CITY that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to CITY. Any failure to maintain the required insurance shall be sufficient cause for CITY to

terminate this AGREEMENT. No action taken by CITY pursuant to this section shall in any way relieve VENDOR of its responsibilities under this AGREEMENT. The phrase "fail to maintain any required insurance" shall include, without limitation, notification received by CITY that an insurer has commenced proceedings, or has had proceedings commenced against it, indicating that the insurer is insolvent.

The fact that insurance is obtained by VENDOR shall not be deemed to release or diminish the liability of VENDOR, including, without limitation, liability under the indemnity provisions of this AGREEMENT. The duty to indemnify CITY shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by VENDOR. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of VENDOR, its principals, officers, agents, employees, persons under the supervision of VENDOR, suppliers, invitees, consultants, sub-consultants, subcontractors, or anyone employed directly or indirectly by any of them.

Upon request of CITY, VENDOR shall immediately furnish CITY with a complete copy of any insurance policy and associated documentation required under this AGREEMENT, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this AGREEMENT

Where determined applicable by the CITY, VENDOR will comply with the following insurance requirements at its sole expense. Insurance companies shall be rated (A Minus: VII-Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California.

Minimum Scope of Insurance: Coverage shall be at least as broad as:

- 1) The most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01 covering on an "occurrence" basis, which shall include insurance for "bodily injury," "property damage" and "personal and advertising injury" with coverage for premises and operations, products and completed operations, and contractual liability.
- 2) The most current version of Insurance Service Office (ISO) Business Auto Coverage Form CA 00 01, which shall include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1- Any Auto).
- 3) Workers' Compensation insurance as required by the State of California, California Labor Code and Employer's Liability Insurance, with Statutory Limits, and Employer's Liability Insurance with limits of no less than \$1,000,000 per accident for bodily injury or disease.

- 4) Professional Liability (Errors and Omissions) insurance appropriate to VENDOR'S profession.

Minimum Limits of Insurance:

- a. General Liability Insurance. Without limiting the generality of the forgoing, to protect against loss from liability imposed by law for damages on account of bodily injury, including death, and/or property damage suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the VENDOR, sub-contractor, or any person acting for the VENDOR or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of this AGREEMENT and any extension thereof in the minimum amounts provided below:
- \$1,000,000 per occurrence for bodily injury and property damage
 - \$1,000,000 per occurrence for personal and advertising injury
 - \$2,000,000 aggregate for products and completed operations
 - \$2,000,000 general aggregate
- b. Automobile Liability
- \$1,000,000 per accident for bodily injury and property damage
- c. Employer's Liability (Worker's Compensation)
- \$1,000,000 each accident for bodily injury
 - \$1,000,000 disease each employee
 - \$1,000,000 disease policy limit
- d. The Workers' Compensation insurance policy: In such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the VENDOR and the CITY, HA, and CSD against any loss, claim or damage arising from any injuries or occupational diseases happening to any worker employed by the VENDOR in the course of carrying out this AGREEMENT. Workers' Compensation insurance policy is to contain, or be endorsed to contain, the following provision: VENDOR and its insurer shall waive any right of subrogation against City of Moreno Valley, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers.
- e. Professional Liability (Errors and Omissions): Limits of no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate.
- f. Endorsements. Unless otherwise specified hereunder, each insurance policy required herein shall be with insurers possessing a Best's rating of no less than A,VII and shall be endorsed with the following specific language:

- The insurer waives all rights of subrogation against the City, its appointed officials, officers, employees or agents.

Other Insurance Provisions: The General Liability, Automobile Liability and Workers Compensation insurance policies are to contain, or be endorsed to contain, the following provisions:

- a. City of Moreno Valley, the City of Moreno Valley Community Services District, the Moreno Valley Housing Authority and each of their officers, officials, employees, agents and volunteers are to be covered as additional insureds.
- b. The coverage shall contain no special limitations on the scope of protection afforded to CITY, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers.

All policies of insurance required hereunder shall be endorsed to provide that the coverage shall not be cancelled, non-renewed, reduced in coverage or in limits except after 30 calendar day written notice by certified mail, return receipt requested, has been given to the CITY. Upon issuance by the insurer, broker, or agent of a notice of cancellation, non-renewal, or reduction in coverage or in limits, VENDOR shall furnish the CITY with a new certificate and applicable endorsements for such policy(ies). In the event any policy is due to expire during the work to be performed for the CITY, VENDOR shall provide a new certificate, and applicable endorsements, evidencing renewal of such policy not less than 15 calendar days prior to the expiration date of the expiring policy.

Acceptability of Insurers: All policies of insurance required hereunder shall be placed with an insurance company(ies) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A- VII" in Best's Insurance Rating Guide; or authorized by the City Manager or designee.

Verification of Coverage: VENDOR shall furnish CITY with all certificates(s) and **applicable endorsements** effecting coverage required hereunder. All certificates and **applicable endorsements** are to be received and approved by the City Manager or designee prior to CITY'S execution of this AGREEMENT and before work commences. The following applicable endorsements will be required:

1. Additional Insured endorsement for ongoing operations, completed operations and primary & non-contributory endorsement for general liability coverage
 2. Additional Insured endorsement for auto liability coverage
 3. Waiver of Subrogation for workers compensation coverage
- Q. Intellectual Property. Any system or documents developed, produced or provided under this Agreement, including any intellectual property discovered or developed by Vendor in the course of performing or otherwise as a result of its work, shall become the sole property of the City unless explicitly stated otherwise in this Agreement. The

- Vendor may retain copies of any and all material, including drawings, documents, and specifications, produced by the Vendor in performance of this Agreement. The City and the Vendor agree that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.
- R. Entire Agreement. This Agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations of warranties, expressed or implied, not specified in this Agreement. This Agreement applies only to the current proposal as attached. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties. Assignment of this Agreement is prohibited without prior written consent.
- S. (a) The City may terminate the whole or any part of this Agreement at any time without cause by giving at least ten (10) days written notice to the Vendor. The written notice shall specify the date of termination. Upon receipt of such notice, the Vendor may continue work through the date of termination, provided that no work or service(s) shall be commenced or continued after receipt of the notice which is not intended to protect the interest of the City. The City shall pay the Vendor within thirty (30) days after receiving any invoice after the date of termination for all non-objected to services performed by the Vendor in accordance herewith through the date of termination.
- (b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Vendor shall perform no further work or service(s) under the Agreement unless the notice of termination authorizes such further work.
- (c) If this Agreement is terminated as provided herein, City may require Vendor to provide all finished or unfinished documents and data and other information of any kind prepared by Vendor in connection with the performance of services under this Agreement. Vendor shall be required to provide such documents and other information within fifteen (15) days of the request.
- (d) In the event this Agreement is terminated in whole or in part as provided herein, City may procure, upon such terms and in such manner as it may determine appropriate, similar to those terminated.
- T. Payment. Payments to the Vendor pursuant to this Agreement will be reported to Federal and State taxing authorities as required. The City will not withhold any sums from compensation payable to Vendor. Vendor is independently responsible for the payment of all applicable taxes. Where the payment terms provide for compensation on a time and materials basis, the Vendor shall maintain adequate records to permit inspection and audit of the Vendor's time and materials charges under the

Agreement. Such records shall be retained by the Vendor for three (3) years following completion of the services under the Agreement.

- U. Restrictions on City Employees. The Vendor shall not employ any City employee or official in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.
- V. Choice of Law and Venue. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall govern the interpretation of this Agreement. Any legal proceeding arising from this Agreement shall be brought in the appropriate court located in Riverside County, State of California.
- W. Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

Vendor:

Library Systems & Services, LLC
 2600 Tower Oaks Blvd. Ste 200
 Rockville, MD 20852
 Attn: Todd Frager, CEO

City:

City of Moreno Valley
 14177 Frederick Street
 P.O. Box 88005
 Moreno Valley, CA 92552
 Attn: Patty Yhuit, Parks & Community Services Dept.

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

- X. Time of Essence. Time is of the essence for each and every provision of this Agreement.

- Y. City's Right to Employ Other Vendors. City reserves right to employ other Vendors in connection with this project.
- Z. Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both parties.
- AA. Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, such attempted assignment, hypothecation or transfer.
- BB. **Supplementary General Conditions (for projects that are funded by Federal programs)**. The following provisions, pursuant to 44 Code of Federal Regulations, Part 13, Subpart C, Section 13.36, as it may be amended from time to time, are included in the Agreement and are required to be included in all subcontracts entered into by VENDOR for work pursuant to the Agreement, unless otherwise expressly provided herein. These provisions supersede any conflicting provisions in the General Conditions and shall take precedence over the General Conditions for purposes of interpretation of the General Conditions. These provisions do not otherwise modify or replace General Conditions not in direct conflict with these provisions. Definitions used in these provisions are as contained in the General Conditions.
1. VENDOR shall be subject to the administrative, contractual, and legal remedies provided in the General Conditions in the event VENDOR violates or breaches terms of the Agreement.
 2. CITY may terminate the Agreement for cause or for convenience, and VENDOR may terminate the Agreement, as provided the General Conditions.
 3. VENDOR shall comply with Executive Order 11246 of September 24, 1965, entitled Equal Employment Opportunity, as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by CITY and/or subcontracts in excess of \$10,000 entered into by VENDOR.)
 4. VENDOR shall comply with the Copeland Anti-Kickback Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3) (All contracts and subcontracts for construction or repair.)
 5. VENDOR shall comply with the Davis-Bacon Act (40 U.S.C. 276a to 276a7) as supplemented by Department of Labor regulations (29 CFR Part 5).
 6. VENDOR shall comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327330) as supplemented by Department of Labor regulations (29 CFR Part 5).
 7. VENDOR shall observe CITY requirements and regulations pertaining to reporting included in the General Conditions.
 8. Patent rights with respect to any discovery or invention which arises or is

developed in the course of or under the Agreement shall be retained by the CITY.

9. Copyrights and rights in data developed in the course of or under the Agreement shall be the property of the CITY. FEMA/CalOES reserve a royalty-free, nonexclusive, irrevocable license to reproduce, publish or otherwise use or authorize to others to use for federal purposes a copyright in any work developed under the Agreement and/or subcontracts for work pursuant to the Agreement.
10. VENDOR shall provide access by the City, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the Vendor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
11. VENDOR shall retain all required records for three years after CITY makes final payments and all other pending matters relating to the Agreement are closed.
12. VENDOR shall comply with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (This provision applies to contracts exceeding \$100,000 and to subcontracts entered into pursuant to such contracts.)
13. VENDOR shall comply with mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94163, 89 Stat. 871).

CC. **Authority To Execute.** The representative executing this Agreement on behalf of each party hereby represents and warrants that he or she has full power and authority to execute this Agreement on behalf of such party and that all approvals and other actions necessary in connection with the effective execution by him or her have been obtained and are in full force and effect as of his or her execution hereof.

SIGNATURE PAGE TO FOLLOW

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

City of Moreno Valley

Library Systems & Services, LLC

BY: _____
Mike Lee, City Manager/Executive Director

BY: _____
Todd Frager
TITLE: CEO

Date

Date

<u>INTERNAL USE ONLY</u>
APPROVED AS TO LEGAL FORM:

City Attorney

Date
RECOMMENDED FOR APPROVAL:

Department Head <i>(if contract exceeds 15,000)</i>

Date

Attachment: DRAFT-Agreement for Services - LSTA Gamers Lair [Revision 1] (6377 : ACCEPT GRANT FUNDING FROM CA STATE LIBRARY

EXHIBIT A

VENDOR SCOPE OF SERVICES

As part of the MoVal Gamers' Lair project, vendor will set up a technology center at the Moreno Valley Mall Branch Library to introduce community members, particularly young people, to emerging technologies through guided hands-on activities.

The technology center will be designed as a flexible environment, physically with mobile furnishings, and mentally, to broaden exposure to cutting-edge ideas, to encourage scientific exploration and creative expression. The center's gaming core appeals to both children and teens and provides them with a safe space (separate from the public computers) to interact within the gaming and technology world.

A dedicated gaming server will support gaming computers, gaming laptops, virtual reality headsets, a Nintendo Switch, games like Minecraft and Roblox, and TV monitors to screencast virtual views. Among the maker tools and resources are two 3D printers, maker tables, tablets, Cricut Joy cutting machines, robotics kits, a smart hydroponic garden, and a new shelving unit on casters, dedicated to juvenile and young adult S.T.E.A.M titles.

The Youth Services and Library Associates will launch a weekly Discover Club program for children aged 8-12 (hosting at least 100 kids in 20 programs) and a weekly Game On! program for young adults (at least 100 teens in 20 programs). Both programs will provide opportunities for kids and teens to design their own games, learn to code, practice and compete in esports, and develop graphic design and other technical skills that they can apply in their future endeavors.

The MoVal Gamers Lair project will also employ two student interns to gain 150 work-hours of experience with server administration, library programming, and peer coaching.

Vendor will manage the project in accordance with the California State Library LSTA Grant Guide located on the California State Library's *Manage Your Current Grant* webpage (<https://www.library.ca.gov/grants/manage/>). Vendor will be responsible for submitting all required reporting and documentation.

EXHIBIT B
CITY RESPONSIBILITIES

Provide timely staff liaison with the Contactor when requested and when reasonably needed.

EXHIBIT C**TERMS OF PAYMENT**

1. The Vendor's compensation shall not exceed \$69,042.00.
2. The Vendor will obtain, and keep current during the term of this Agreement, the required City of Moreno Valley business license. Proof of a current City of Moreno Valley business license will be required prior to any payments by the City. Any invoice not paid because the proof of a current City of Moreno Valley business license has not been provided will not incur any fees, late charges, or other penalties. Complete instructions for obtaining a City of Moreno Valley business license are located at: <https://moval.gov/departments/financial-mgmt-svcs/svc-biz-license.html>
3. The Vendor will electronically submit an invoice to the City on a monthly basis for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time and materials expended in furnishing authorized professional services since the last invoice. At no time will the City pay for more services than have been satisfactorily completed and the City's determination of the amount due for any progress payment shall be final. The Vendor will submit all original invoices to Accounts Payable staff at AccountsPayable@moval.org
 - a. Accounts Payable questions can be directed to (951) 413-3073.
 - b. Copies of invoices may be submitted to the PCS Department at pcsdadmin@moval.org or calls directed to (951) 413-3726.
4. The Vendor agrees that City payments will be received via Automated Clearing House (ACH) Direct Deposit and that the required ACH Authorization form will be completed prior to any payments by the City. Any invoice not paid because the completed ACH Authorization Form has not been provided will not incur any fees, late charges, or other penalties. The ACH Authorization Form is located at: http://www.moval.org/city_hall/forms.shtml#bf
5. The minimum information required on all invoices is:
 - a. Vendor Name, Mailing Address, and Phone Number
 - b. Invoice Date
 - c. Vendor Invoice Number
 - d. City-provided Reference Number (e.g. Project, Activity)
 - e. Detailed work hours by class title (e.g. Manager, Technician, or Specialist), services performed and rates, explicit portion of a contract amount, or detailed billing information that is sufficient to justify the invoice amount; single, lump amounts without detail are not acceptable.
6. The City shall pay the Vendor for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.

7. Reimbursement for Expenses. Vendor shall not be reimbursed for any expenses unless authorized in writing by City.

8. Maintenance and Inspection. Vendor shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Vendor shall allow a representative of City during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Vendor shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.



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: September 5, 2023

TITLE: SUBMITTAL OF COMMUNITY RESILIENCE CENTERS
 PLANNING GRANT ROUND 1 APPLICATION FY 23/24

RECOMMENDED ACTION

Recommendations: That the City Council and CSD:

1. Authorize the Executive Director or its Authorized Representative, Parks & Community Services Director, or designee to submit a grant application to the California Strategic Growth Council for the Community Resilience Centers (CRC) Planning Grant Round 1 funding.

SUMMARY

This report recommends authorization to submit a grant application to the California Strategic Growth Council Community Resilience Centers Program (CRC) Round 1 funding under the Planning Grants component.

CRC Planning Grants fund planning activities to prepare communities for future funding opportunities in programs that align with CRC Program Objectives, with a specific focus on preparation for CRC Rounds 2 and 3 Implementation Grants. The CRC Planning Grant proposal will focus on activities that will assist in the development of a proposal for a future CRC Implementation Grant or similar funding opportunity, including demonstrating effective, robust local community engagement and planning efforts.

If awarded, the city will plan to submit for future CRC funding opportunities including Project Development Grants and or Implementation Grants.

DISCUSSION

CRC Planning Grants will support planning activities to prepare communities to implement Community Resilience Centers, as well as for similar funding opportunities that align with the CRC Program's objectives. Planning activities should focus on engaging key stakeholders and supporting project readiness, as well as broader community resilience to climate emergencies and intersecting social and economic issues. Planning Grants range from \$100,000 - \$500,000 each.

The City's application will include a defined project area for the CRC, which has been identified as vacant land on the corner of Alessandro and Lasselle, a community needs assessment plan, partnership development, stakeholder identification and other assessments to be used to prepare for the submittal of a future CRC Implementation Grant or similar grant opportunity will also be part of the application submittal.

The proposed planning activities included in the application will help the city identify, design, and construct a CRC that will be accessible during and after emergencies. In addition, programming will include targeted culturally, and linguistically appropriate outreach and planning for priority populations and community-led development of networks and plans for evacuation, transportation, mass sheltering and mass feeding. Activities which advance local workforce development and training opportunities for a future net zero carbon economy, supporting local leadership and grassroots engagement in civic and community development, and climate resilience awareness will also be part of the proposed activities.

In addition, the activities proposed will demonstrate consistency with the State's Planning Priorities contained in Section 65041.117 of the Government Code. These priorities intend to promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state, including urban, suburban, and rural communities.

ALTERNATIVES

1. Approve the recommended action as presented in this staff report. Staff recommends this alternative as it will have a positive impact on the community by providing funding for the Planning of a CRC.
2. Do not approve the recommended actions as presented in this staff report. Staff does not recommend this alternative as it will not provide the opportunity for funding to plan for a CRC.

FISCAL IMPACT

There is no fiscal impact with this action.

NOTIFICATION

Posting of Agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Patty Yhuit
PCS Admin & Fin Svs. Division Manager

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.

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.

None

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	8/24/23 1:06 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	8/28/23 8:45 AM



Report to City Council

TO: Mayor and City Council

FROM: Michael Lloyd, Assistant City Manager (Development)
Jason Niccoli, Electric Utility Division Manager

AGENDA DATE: September 5, 2023

TITLE: APPROVE THE ACCEPTANCE OF CALIFORNIA
ARREARAGE PAYMENT PROGRAM FUNDS FOR UTILITY
BILL RELIEF

RECOMMENDED ACTION

Recommendations:

1. Approve Resolution 2023-XX. A Resolution of the City Council of the City of Moreno Valley, California, to accept the California Arrearage Payment Program (CAPP) funds; and
2. Authorize the City Manager to accept any future CAPP fund payments for Electric Utility bill relief.

SUMMARY

The purpose of this agenda item is to recommend that the council accept the California Arrearage Payment Program (CAPP) funds, which have been allocated to provide relief for customers who fell behind on their utility bills during the COVID-19 pandemic. The CAPP funds have been crucial in assisting our community members in times of financial hardship.

DISCUSSION

The California Arrearage Payment Program (CAPP) serves as a pivotal state initiative aimed at alleviating the financial burden of eligible energy utility bills that escalated during the COVID-19 pandemic. CAPP operates by providing a bill credit to qualifying individuals, directly contributing to the settlement of their energy bills.

Tailored to aid utility customers adversely affected by the economic repercussions of

the pandemic, CAPP extends its support to those who have struggled to keep up with energy bill payments, resulting in overdue balances exceeding 60 days.

In 2021, CAPP allocated \$470,194 to the Moreno Valley Electric Utility to facilitate relief efforts. While formal resolution for fund acceptance was not mandated, an oversight occurred as these funds were inadvertently omitted from the City's Single Audit report. The integration of this fund acceptance into the Single Audit report necessitates a revision.

For the year 2022, CAPP allocated \$399,621.67 earmarked for Moreno Valley Electric Utility relief. These funds have been duly designated for inclusion in forthcoming audit submissions.

Considering the potential for CAPP to continue offering crucial utility bill relief in the future, it is prudent to authorize the City Manager to accept such funds.

Integral to CAPP's functioning is a comprehensive framework of prioritization criteria, meticulously constructed to ensure equitable distribution of benefits to the public. These criteria meticulously outline the utilization of funds to proportionately offset electric utility bills for all eligible customers.

ALTERNATIVES

1. Approve the Recommended Actions presented in this report. *Staff recommends this alternative as the proposed acceptance of funds will offset revenue needed from customers and provide relief to customers facing hardship.*
2. Do not approve the Recommended Actions presented in this report *Staff does not recommend this alternative because this would forgo the acceptance of \$869,815.67 in bill relief for customers.*

FISCAL IMPACT

These funds will be passed directly through the utility to provide Electric Utility bill relief. As such these funds will become city revenue and offset our accounts receivable by the amount provided by CAPP in each fiscal year. There is no direct fiscal impact.

NOTIFICATION

Publication of the Agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Jason Niccoli
Electric Utility Division Manager

Department Head Approval:
Michael Lloyd
Assistant City Manager (Development)

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.

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 CAPP AND ARPA FUNDING

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	8/29/23 9:47 AM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	8/29/23 9:51 AM

RESOLUTION NO. 2023-XX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING PARTICIPATION IN THE CALIFORNIA ARREARAGE PAYMENT PROGRAM (CAPP) AND ACCEPTING AMERICAN RESCUE PLAN ACT (ARPA) PARTICIPATION AND FUNDING**

WHEREAS, the City of Moreno Valley (the “City”), a municipal corporation, is authorized under various provisions of the California Constitution and the general laws of California (including specifically, Article XI, Section 9(a) of the California Constitution, Public Utilities Code (“PUC”) Section 10004, and Government Code Section 39732(a) to establish, purchase, and operate a public utility to furnish its inhabitants with, among other things, electricity; and

WHEREAS, the City operates a municipal electric utility (“Moreno Valley Utility” or “MVU”); and

WHEREAS, on March 4, 2020 Governor Newsom proclaimed a state of emergency due to the COVID-19 pandemic, issued Executive Order N-28-20 directing the California Public Utilities Commission to monitor customer service protection measures implemented by utilities, issued Executive Order N-33-20 to require individuals to stay at home except as needed to maintain continuity of critical operations, and issued Executive Order N-60-20 that created a risk-based approach to reopening the economy, among other executive actions; and

WHEREAS, the stay-at-home order and risk-based reopening framework were rescinded on June 11, 2021, by Executive Order N-07-21 and many provisions of other Executive Orders were phased out by Executive Order N-08-21; and

WHEREAS, the City implemented suspension of late fees, shut-offs, and a COVID-19 Utility Assistance Program as customer protection measures for customers of Moreno Valley Utility; and

WHEREAS, there have been economic impacts as a result of the COVID-19 pandemic and associated public health measures, including leaving many Californians unable to pay their utility bills due to lack of reliable and consistent employment; and

WHEREAS, in response to the economic conditions caused by the COVID-19 pandemic, Item 4700-162-8506 of Section 2.00 of the State Budget Act of 2021, as established by Assembly Bill No. 128 (Chapter 21, Statutes of 2021) and as amended by Senate Bill No. 129 (Chapter 69, Statutes of 2021), provided \$993,500,000 to the State Department of Community Services and Development (“department”) to administer the California Arrearage Payment Program (CAPP) to reduce delinquent electricity and a natural gas utility balances for customers experiencing financial

1

Resolution No. 2023-XX
Date Adopted: September 5, 2023

Attachment: Resolution CAPP AND ARPA FUNDING [Revision 2] (6372 : APPROVE THE ACCEPTANCE OF CALIFORNIA ARREARAGE

hardships related to the economic impacts of the COVID-19 pandemic; and

WHEREAS, funding for CAPP is payable from the State's share of the federal Coronavirus Fiscal Recovery Fund of 2021; and

WHEREAS, Assembly Bill No. 135 (Chapter 85, Statutes of 2021), formally established the CAPP within the department, enumerating the program's requirements for utility participation and setting aside \$298,953,250 of the funds provided in Item 4700-162-8506 of the State Budget Act of 2021 for financial assistance to customers of local publicly owned electric utilities; and

WHEREAS, a local publicly owned electric utility is considered a utility applicant under CAPP and may apply to the department for CAPP funds for eligible customer accounts for past due bills during the COVID-19 pandemic bill relief period; and

WHEREAS, eligible customers are all residential and commercial customers; past due bills mean any customer utility bills that are 60 days or more past due and includes both active and inactive accounts, as well as customer accounts that have payment plans or payment arrangements, and the COVID-19 pandemic bill relief period means the period starting March 4, 2020, and ends June 15, 2021; and

WHEREAS, to receive CAPP funding on behalf of eligible customers, a utility applicant must complete both a utility survey and application including submitting all necessary data and information to support the utility applicant's request for CAPP funding; and

WHEREAS, the department is required to disburse funds as expeditiously as possible to utility applicants, but no later than January 31, 2022; and

WHEREAS, within 60 days of receiving CAPP funds, a utility applicant must issue CAPP Assistance benefits to customers as bill credits to help address the eligible past due balance and must include a statement that the credits are a result of California's CAPP funding. An eligible utility customer need not apply for the program; and

WHEREAS, if CAPP funding is not sufficient to meet all needs, utility applicants must prioritize the issuance of CAPP assistance first to active residential customers who are past due and who, absent the CAPP assistance might be subject to service disconnection, consistent with current law, due to nonpayment of balances incurred during the COVID-19 pandemic bill relief period; second, to active residential customers with delinquent balances incurred during the COVID-19 pandemic bill relief period; third, to inactive residential accounts with delinquent balances incurred during the COVID-19 pandemic bill relief period; and fourth, to commercial customers with delinquent balances incurred during the COVID-19 pandemic bill relief period; and

WHEREAS, Assembly Bill No. 135 created customer protections to require a utility applicant to notify customers of the option to enter into an extended payment plan

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Resolution No. 2023-XX
Date Adopted: September 05, 2023

with late fees and penalties waived for any remaining balanced after CAPP funds are credited to the customer's account, to refrain from discontinuing service while CAPP applications are pending, for 90 days after the CAPP benefit is applied to a customer account, and while a customer remains current on a repayment plan, and to waive associated late fees and accrued interest for customers awarded CAPP benefits; and

WHEREAS, Moreno Valley Utility had eligible customers that have past due bills during the COVID-19 pandemic bill relief period; and

WHEREAS, the City received CAPP funding and allocated funds in accordance with applicable law and guidelines; and

WHEREAS, in March of 2021, the President of the United States signed the \$1.9 trillion American Rescue Plan Act (ARPA), a federal stimulus bill to aid public health and economic recovery from COVID-19 pandemic, which included, among other funding, \$350 billion in emergency funding for state, local territorial and tribal governments, known as the Coronavirus State and Local Fiscal Recovery Funds; and

WHEREAS, recipients of funding must obligate the funds by December 31, 2024, and spend them by December 31, 2026; and

WHEREAS, effective April 1, 2022, the Treasury Department released the final rule for the Coronavirus State and Local Fiscal Recovery Fund program, providing additional clarity and flexibility on uses, including: capital expenditures, expanding public sector hiring and capacity, premium pay for essential works, and broadening eligible broadband, water and sewer infrastructure.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1. RECITALS

That the above recitals contained and referenced herein are true and correct and are incorporated herein by this reference.

Section 2. CAPP PARTICIPATION

That the City's publicly owned electric utility's participation in CAPP is ratified and approved, and the Assistant City Manager or designee is authorized to execute program participation on behalf of the City, in accordance with applicable federal, state, and local laws, rules and regulations, including without limitation acceptance of past and future funding.

Section 3. ARPA FUNDING

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Resolution No. 2023-XX
Date Adopted: September 05, 2023

That the City Council hereby ratifies and approves the City's participation in and acceptance of ARPA funding, and hereby authorizes the City to accept future ARPA funding, and the City Manager or designee is hereby authorized to execute program participation on behalf of the City, in accordance with applicable, federal, state, and local laws, rules and regulations.

Section 4. 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 5. REPEAL OF CONFLICTING PROVISIONS

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

Section 6. EFFECTIVE DATE

That this Resolution shall take effect immediately upon its adoption.

Section 7. CERTIFICATION

That the City Clerk shall certify to the passage and adoption of this Resolution, enter the same in the book for original resolutions 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 Resolution is passed and adopted.

APPROVED AND ADOPTED this 5th day of September, 2023.

Ulises Cabrera, Mayor
City of Moreno Valley

ATTEST:

Jane Halstead, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

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Resolution No. 2023-XX
Date Adopted: September 05, 2023

Attachment: Resolution CAPP AND ARPA FUNDING [Revision 2] (6372 : APPROVE THE ACCEPTANCE OF CALIFORNIA ARREARAGE

Resolution No. 2023-XX⁶
Date Adopted: September 05, 2023

RESOLUTION 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 Resolution No. 2023-XX was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 5th day of September, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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Resolution No. 2023-XX
Date Adopted: September 05, 2023

Attachment: Resolution CAPP AND ARPA FUNDING [Revision 2] (6372 : APPROVE THE ACCEPTANCE OF CALIFORNIA ARREARAGE



Report to City Council

TO: Mayor and City Council

FROM: Michael Lloyd, Assistant City Manager (Development)

AGENDA DATE: September 5, 2023

TITLE: APPROVE RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RATIFYING THE ATTESTATION OF VERACITY SUBMITTED TO THE CALIFORNIA ENERGY COMMISSION FOR THE 2022 POWER SOURCE DISCLOSURE PROGRAM ANNUAL REPORT

RECOMMENDED ACTION

Recommendation:

1. Approve Resolution No. 2023-XX. A Resolution of the City Council of the City of Moreno Valley, California, Ratifying the Attestation of Veracity submitted to the California Energy Commission for the 2022 Power Source Disclosure Program Annual Report.

SUMMARY

Staff recommends that the City Council ratify the submission to the California Energy Commission (CEC) of an attestation of the veracity of the 2022 Power Source Disclosure Program Annual Report. This attestation of veracity is required under Senate Bill 1305.

DISCUSSION

Under state law (Public Utilities Code Sections 398.4 and 398.5), retail suppliers of electricity must annually disclose the electricity sources for their sales to their customers in the form of a Power Content Label. This information must also be submitted to the CEC by June 1 each year in the form of a Power Source Disclosure Report. Article 5 was amended to include the submission of an independent audit report by October 1 each year. In lieu of an independent audit and verification, an authorized agent of the City may submit to the CEC, under penalty of perjury, an attestation confirming the

accuracy of the annual report. The CEC requires that the submission of the attestation be approved by the City Council at a public meeting.

The City of Moreno Valley's 2022 Power Source Disclosure Program Annual Report was submitted to the CEC by June 1, 2023, inclusive of the staff attestation, and will provide the required information to its customers by posting the Power Content Label on its website and sending an email blast. A copy of the 2022 Power Source Disclosure Program Annual Report is attached to Resolution No. 2023-XX as Exhibit A.

ALTERNATIVES

1. Approve Resolution No. 2023-XX, ratifying the attestation of veracity submitted to the CEC for the 2022 Power Source Disclosure Program Annual Report. *Approval of this Resolution complies with the requirements of California Public Utilities Code Sections 398.4 and 398.5.* Staff recommends this alternative.
2. Do not approve Resolution No. 2023-XX, ratifying the attestation of veracity submitted to the CEC for the 2022 Power Source Disclosure Program Annual Report. *This will not comply with the requirements of California Public Utilities Code Sections 398.4 and 398.5.* Staff does not recommend this alternative.

FISCAL IMPACT

There is no cost to the City for approval of the Resolution.

NOTIFICATION

Publication of the Agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Dean Ayer
Sr. Management Analyst

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

Concurred By:
Michael Lloyd
Assistant City Manager (Development)

CITY COUNCIL GOALS

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

Objective 4.1: Develop a Moreno Valley Utility Strategic Plan to prepare for the 2022 expiration of the ENCO Utility Systems agreement.

ATTACHMENTS

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

- 1. MVU 2022 PSD Annual Report
- 2. Resolution Power Source Disclosure 09052023

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	8/27/23 9:29 AM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	8/28/23 8:39 AM

**2022 POWER SOURCE DISCLOSURE ANNUAL REPORT
SCHEDULE 1: PROCUREMENTS AND RETAIL SALES
For the Year Ending December 31, 2022
CITY OF MORENO VALLEY**

Instructions: Enter information about power procurements underlying this electricity portfolio for which your company is filing the Annual Report. Insert additional rows as needed. All fields in white should be filled out. **Fields in grey auto-populate as needed and should not be filled out.** For EIA IDs for unspecified power or specified system mixes from asset-controlling suppliers, enter "Unspecified Power", "BPA", or "Tacoma Power" as applicable. For specified procurements of ACS power, use the ACS Procurement Calculator to calculate the resource breakdown comprising the ACS system mix. **Procurements of unspecified power must not be entered as line items below; unspecified power will be calculated automatically in cell N9.** Unbundled RECs must not be entered on Schedule 1; these products must be entered on Schedule 2. At the bottom portion of the schedule, provide the other electricity end-uses that are not retail sales including, but not limited to transmission and distribution losses or municipal street lighting. Amounts should be in megawatt-hours.

Retail Sales (MWh)	214,684
Net Specified Procurement (MWh)	71,660
Unspecified Power (MWh)	143,024
Procurement to be adjusted	-
Net Specified Natural Gas	-
Net Specified Coal & Other Fossil Fuels	-
Net Specified Nuclear, Large Hydro, Renewables, and ACS Power	71,660
GHG Emissions (excludes grandfathered emissions)	61,214
GHG Emissions Intensity (in MT CO ₂ e/MWh)	0.2851

DIRECTLY DELIVERED RENEWABLES													
Facility Name	Fuel Type	State or Province	WREGIS ID	RPS ID	N/A	EIA ID	Gross MWh Procured	MWh Resold	Net MWh Procured	Adjusted Net MWh Procured	GHG Emissions Factor (in MT CO ₂ e/MWh)	GHG Emissions (in MT CO ₂ e)	N/A
RE Astoria 2	Solar	CA	W4931	62691A		59977	6193		6,193	6,193	-	-	
Whitney Point Solar, LLC	Solar	CA	W5441	61186A		60975	12,289		12,289	12,289	-	-	
Antelope Expansion 3A	Solar	CA	W10928	64095A		62673	52,302		52,302	52,302	-	-	
City of Moreno Valley - City Hall Solar Carport	Solar	CA	W7208	63790A		P258	876		876	876	-	-	
									-	-	#N/A	-	
									-	-	#N/A	-	
									-	-	#N/A	-	
									-	-	#N/A	-	
									-	-	#N/A	-	

FIRMED-AND-SHAPED IMPORTS													
Facility Name	Fuel Type	State or Province	WREGIS ID	RPS ID	EIA ID of REC Source	EIA ID of Substitute Power	Gross MWh Procured	MWh Resold	Net MWh Procured	Adjusted Net MWh Procured	GHG Emissions Factor (in MT CO ₂ e/MWh)	GHG Emissions (in MT CO ₂ e)	Eligible for Grandfathered Emissions?
									-	-	#N/A	-	
									-	-	#N/A	-	
									-	-	#N/A	-	
									-	-	#N/A	-	
									-	-	#N/A	-	

SPECIFIED NON-RENEWABLE PROCUREMENTS													
Facility Name	Fuel Type	State or Province	N/A	N/A	N/A	EIA ID	Gross MWh Procured	MWh Resold	Net MWh Procured	Adjusted Net MWh Procured	GHG Emissions Factor (in MT CO ₂ e/MWh)	GHG Emissions (in MT CO ₂ e)	N/A
									-	-	#N/A	-	
									-	-	#N/A	-	
									-	-	#N/A	-	
									-	-	#N/A	-	
									-	-	#N/A	-	
									-	-	#N/A	-	

PROCUREMENTS FROM ASSET-CONTROLLING SUPPLIERS													
Facility Name	Fuel Type	N/A	N/A	N/A	N/A	EIA ID	Gross MWh Procured	MWh Resold	Net MWh Procured	Adjusted Net MWh Procured	GHG Emissions Factor (in MT CO ₂ e/MWh)	GHG Emissions (in MT CO ₂ e)	N/A
									-	-	#N/A	-	
									-	-	#N/A	-	
									-	-	#N/A	-	
									-	-	#N/A	-	

END USES OTHER THAN RETAIL SALES	MWh

Attachment: MVU 2022 PSD Annual Report (6220 : APPROVE RESOLUTION RATIFYING ATTESTATION

2022 POWER SOURCE DISCLOSURE ANNUAL REPORT

SCHEDULE 2: RETIRED UNBUNDLED RECS

For the Year Ending December 31, 2022

CITY OF MORENO VALLEY

INSTRUCTIONS: Enter information about retired unbundled RECs associated with this electricity portfolio. Insert additional rows as needed. All fields in white should be filled out. Fields in grey auto-populate as needed and should not be filled out.

Total Retired Unbundled RECs				-
RETIRED UNBUNDLED RECS				
Facility Name	Fuel Type	State or Province	RPS ID	Total Retired (in MWh)

Attachment: MVU 2022 PSD Annual Report (6220 : APPROVE RESOLUTION RATIFYING ATTESTATION OF VERACITY OF PSD)

2022 POWER SOURCE DISCLOSURE ANNUAL REPORT
SCHEDULE 3: POWER CONTENT LABEL DATA
For the Year Ending December 31, 2022
CITY OF MORENO VALLEY

Instructions: No data input is needed on this schedule. Retail suppliers should use these auto-populated calculations to fill out their Power Content Labels.

	Adjusted Net Procured (MWh)	Percent of Total Retail Sales
Renewable Procurements	71,660	33.4%
Biomass & Biowaste	-	0.0%
Geothermal	-	0.0%
Eligible Hydroelectric	-	0.0%
Solar	71,660	33.4%
Wind	-	0.0%
Coal	-	0.0%
Large Hydroelectric	-	0.0%
Natural gas	-	0.0%
Nuclear	-	0.0%
Other	-	0.0%
Unspecified Power	143,024	66.6%
Total	214,684	100.0%

Total Retail Sales (MWh)	214,684
---------------------------------	----------------

GHG Emissions Intensity (converted to lbs CO₂e/MWh)	629
---	------------

Percentage of Retail Sales Covered by Retired Unbundled RECs	0.0%
---	-------------

**2022 POWER SOURCE DISCLOSURE ANNUAL REPORT
 ATTESTATION FORM
 For the Year Ending December 31, 2022
 CITY OF MORENO VALLEY**

I, Jeannette Olko, Electric Utility Division Manager, declare under penalty of perjury, that the information provided in this report is true and correct and that I, as an authorized agent of the City of Moreno Valley, have authority to submit this report on the retail supplier's behalf. I further declare that all of the electricity claimed as specified purchases as shown in this report was sold once and only once to retail customers.
 Name: Jeannette Olko
 Representing (Retail Supplier): City of Moreno Valley
 Signature: _____
 Dated: May 15, 2023
 Executed at: Moreno Valley, CA

Attachment: MVU 2022 PSD Annual Report (6220 : APPROVE RESOLUTION RATIFYING ATTESTATION OF VERACITY OF PSD)

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RATIFYING THE ATTESTATION OF VERACITY TO BE SUBMITTED TO THE CALIFORNIA ENERGY COMMISSION FOR THE 2022 POWER SOURCE DISCLOSURE PROGRAM ANNUAL REPORT

WHEREAS, the City of Moreno Valley (the "City"), a municipal corporation, is authorized under various provisions of the California Constitution and the general laws of California (including specifically, Article XI, Section 9(a) of the California Constitution, Public Utilities Code ("PUC") Section 10004, and Government Code Section 39732(a) to establish, purchase, and operate a public utility to furnish its inhabitants with, among other things, electricity; and

WHEREAS, the City operates a municipal electric utility ("Moreno Valley Utility" or "MVU"); and

WHEREAS, as a municipal electric utility, MVU is generally subject to the legislative and regulatory requirements applicable to local publicly owned electric utilities ("POUs"); and

WHEREAS, Senate Bill 1305, as amended by Assembly Bill 162, requires retail suppliers of electricity to disclose sources of energy being used to the California Energy Commission ("CEC") and to consumers in the form of the Power Source Disclosure Program Annual Report and the Annual Power Content Label; and

WHEREAS, the 2022 Power Source Disclosure Program Annual Report and Annual Power Content Label was submitted to the CEC by June 01, 2023, and the Annual Power Content Label will be posted on the City's website for consumers to review; and

WHEREAS, the 2022 Power Source Disclosure Program Annual Report includes an attestation from an authorized agent of the City, under penalty of perjury, confirming the accuracy of the information provided.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

1
Resolution No. 2023-XX
Date Adopted: September 05, 2023

1. The City Council hereby ratifies the 2022 Power Source Disclosure Program Annual Report, attached to this Resolution as Exhibit A (incorporated herein by reference).
2. The City Clerk shall certify to the adoption of this Resolution.
3. The Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 5th day of September 2023.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

2
Resolution No. 2023-XX
Date Adopted: September 05, 2023

Attachment: Resolution Power Source Disclosure 09052023 (6220 : APPROVE RESOLUTION RATIFYING ATTESTATION OF VERACITY OF PSD)

RESOLUTION 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 Resolution No. 2023-XX was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 5th day of September 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Resolution No. 2023-XX³
Date Adopted: September 05, 2023

Attachment: Resolution Power Source Disclosure 09052023 (6220 : APPROVE RESOLUTION RATIFYING ATTESTATION OF VERACITY OF PSD)



Report to City Council

TO: 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: Brian Mohan, Assistant City Manager

AGENDA DATE: September 5, 2023

TITLE: PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS INTO COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) - AMENDMENT NOS. 90, 93, 100, 102, 105, 108, AND 110 - 113 (RESO. NOS. CSD 2023-___ TO CSD 2023-___)

RECOMMENDED ACTION

Recommendation:

1. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 90) (Jose Guadalupe Guzman Plata and Gisela Morales, located at 12671 and 12673 Sunnymeadows Dr.).
2. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 93) (Moss San Bernardino Properties, located at the northwest corner of Eucalyptus Ave. and Auto Mall Dr.).
3. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 100) (Eduardo J. Pinzon, Marina C. Pinzon, and Jennifer Elizabeth Pinzon, located at 21236 Shakespeare Ct.).

4. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 102) (Angel Salgado Alvarez, located at 13669 Phyllis Ave.).
5. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 105) (Serrano Esther Living Rev Trust DTD 3/25/22 and Esther Serrano, located at 11910 Venetian Dr.).
6. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 108) (LCG MVD, located at the northeast corner of Heacock St. and Hemlock Ave.).
7. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 110) (Eddie Gomez, located at 11129 Red Hill Rd.).
8. Adopt Resolution No. CSD 2023-___, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 111) (James Taylor Suchy, located at 15864 Alisa Viejo Ct.).
9. Adopt Resolution No. CSD 2023-61, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for said District (Amendment No. 112) (13790 Mangowood Drive Land Trust and Kathryn L. Durocher, located at 13788 and 13790 Mangowood Dr.).
10. Adopt Resolution No. CSD 2023-62, a Resolution of the Board for the Moreno Valley Community Services District of the City of Moreno Valley, California, ordering the annexation of territory to City of Moreno Valley Community Facilities District No. 2021-01 (Parks Maintenance) and approving the amended map for

said District (Amendment No. 113) (Juan O. Hernandez, located at 25596 Jonestown Dr.).

SUMMARY

Adoption of the resolutions (Attachments 1-10) will certify the annexation of 10 parcels into Community Facilities District (CFD) No. 2021-01 (Parks Maintenance) (“District”). This action impacts only the property owners identified below, not the general citizens or taxpayers of the City.

DISCUSSION

As a condition of approval for the development projects identified below, the applicants are required to provide an ongoing funding source for maintenance of certain public facilities (e.g., parks). The funding is used to mitigate the cost of the impacts created by the proposed development.

Property Owner Project ACP Record #s	Amendment No.	APN(s)	Location
Jose Guadalupe Guzman Plata and Gisela Morales Accessory Dwelling Unit (ADU) & Jr. ADU BFR23-0009/BFR23-0010/SCP23-0009	90	292-041-006	12671 and 12673 Sunnymeadows Dr.
Moss San Bernardino Properties Moss Bros. Jeep PEN22-0039/SCP23-0015	93	488-390-005	Northwest corner of Eucalyptus Ave. and Auto Mall Dr.
Eduardo J. Pinzon, Marina C. Pinzon and Jennifer Elizabeth Pinzon Accessory Dwelling Unit (ADU) BFR22-0255/SCP23-0017	100	256-272-013	21236 Shakespeare Ct.
Angel Salgado Alvarez Accessory Dwelling Unit (ADU) BFR22-0239/SCP22-0125	102	291-161-009	13669 Phyllis Ave.
Serrano Esther Living Rev Trust DTD 3/25/22 and Esther Serrano Accessory Dwelling Unit (ADU) BFR23-0035/SCP23-0026	105	474-644-001	11910 Venetian Dr.
LCG MVD 7-Eleven Gas Station & Convenience Store PEN21-0096/SCP23-0028	108	481-020-036	Northeast corner of Heacock St. and Hemlock Ave.
Eddie Gomez Accessory Dwelling Unit (ADU) BFR23-0029/SCP23-0032	110	264-092-031	11129 Red Hill Rd.
James Taylor Suchy Accessory Dwelling Unit (ADU) BFR23-0036/SCP23-0034	111	304-220-054	15864 Alisa Viejo Ct.

Property Owner Project ACP Record #s	Amendment No.	APN(s)	Location
13790 Mangowood Drive Land Trust and Kathryn L. Durocher Accessory Dwelling Unit (ADU) & Jr. ADU BFR23-0077/BFR23-0110/SCP23-0042	112	479-653-004	13788 and 13790 Mangowood Dr.
Juan O. Hernandez Accessory Dwelling Unit (ADU) BFR23-0041/SCP23-0045	113	484-143-007	25596 Jonestown Dr

On June 1, 2021, the CSD Board formed CFD No. 2021-01, pursuant to the Mello-Roos Community Facilities Act of 1982. The District was created to provide the development community with an alternative funding tool to mitigate the impacts of their proposed development. If a property owner elects to annex the parcels of their development into the District, they also authorize the CSD to annually levy a special tax, collected on the annual property tax bill, against property in the development project. Thus, satisfying the condition of approval.

On December 21, 2021, the CSD Board adopted Ordinance No. 56, which designated the entire territory of the City as a future annexation area for the District. With the future annexation area designated, annexations can occur without an additional public hearing as long as the annexing landowner provides unanimous consent. Once annexed, parcels are subject to the annual special tax to fund the service they are receiving.

An applicant has two options to satisfy the condition(s) of approval:

1. The property owner submits a Landowner Petition unanimously approving annexation of the property into the District. Approval of the petition and special tax rate allows the City to annually levy the special tax on the property tax bill of the property. This option is only available if there are fewer than 12 registered voters living within the proposed annexation area; or
2. The applicant funds an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation and provides for the ongoing operation and maintenance of parks facilities.

The Property Owners listed above elected to annex their property into CFD No. 2021-01 and have the special tax applied to the annual property tax bill. The Office of the Riverside County Registrar of Voters confirmed the number of registered voters residing at each property, allowing a special election of the landowner. Adoption of the resolutions (Attachments 1-10) amends the District and adds the property to the tax rate area identified in the Fiscal Impact section of this report. The resolutions also direct the recordation of the boundary maps (Attachments 11-20) and amended notice of special tax liens for the amendments. The Election Official confirmed the Property Owners

unanimously approved the annexation of their property into the District (Attachments 21-30).

ALTERNATIVES

1. Adopt the resolutions. *Staff recommends this alternative since it will annex the properties into CFD No. 2021-01 at the request of the Property Owners and satisfy the condition of approval for the proposed developments.*
2. Do not adopt the resolutions. *Staff does not recommend this alternative because it is contrary to the request of the Property Owners, will not satisfy the condition of approval, and may delay development of the projects.*
3. Do not adopt the resolutions but rather continue the item to a future regularly scheduled City Council meeting. *Staff does not recommend this alternative as it will delay the Property Owners from satisfying the condition of approval and may delay development of the projects.*

FISCAL IMPACT

Revenue received from the special tax is restricted and can only be used to fund the services for each tax rate area within the District. The special tax can only be applied to a property tax bill of a parcel wherein the qualified electors (i.e., landowners or registered voters, depending upon the number of registered voters) have previously provided approval. If the projected revenue from the maximum special tax exceeds what is necessary to fund the services within the tax rate area, a lower amount will be applied to the property tax bill for all of the properties within the affected tax rate area. The maximum special tax rates are detailed below.

Property Owner Project ACP Record #s	Amendment No.	Property Type	FY 2023/24 Maximum Special Tax Rate
Jose Guadalupe Guzman Plata and Gisela Morales Accessory Dwelling Unit (ADU) & Jr. ADU BFR23-0009/BFR23-0010/SCP23-0009	90	Single Family	\$335.22/unit
Moss San Bernardino Properties Moss Bros. Jeep PEN22-0039/SCP23-0015	93	Commercial	\$21.49/1,000 feet of Building Square Footage
Eduardo J. Pinzon, Marina C. Pinzon, and Jennifer Elizabeth Pinzon Accessory Dwelling Unit (ADU) BFR22-0255/SCP23-0017	100	Single Family	\$335.22/unit

Property Owner Project ACP Record #s	Amendment No.	Property Type	FY 2023/24 Maximum Special Tax Rate
Angel Salgado Alvarez Accessory Dwelling Unit (ADU) BFR22-0239/SCP22-0125	102	Single Family	\$335.22/unit
Serrano Esther Living Rev Trust DTD 3/25/22 and Esther Serrano Accessory Dwelling Unit (ADU) BFR23-0035/SCP23-0026	105	Single Family	\$335.22/unit
LCG MVD 7-Eleven Gas Station & Convenience Store PEN21-0096/SCP23-0028	108	Commercial	\$21.49/1,000 feet of Building Square Footage
Eddie Gomez Accessory Dwelling Unit (ADU) BFR23-0029/SCP23-0032	110	Single Family	\$335.22/unit
James Taylor Suchy Accessory Dwelling Unit (ADU) BFR23-0036/SCP23-0034	111	Single Family	\$335.22/unit
13790 Mangowood Drive Land Trust and Kathryn L. Durocher Accessory Dwelling Unit (ADU) & Jr. ADU BFR23-0077/BFR23-0110/SCP23-0042	112	Single Family	\$335.22/unit
Juan O. Hernandez Accessory Dwelling Unit (ADU) BFR23-0041/SCP23-0045	113	Single Family	\$335.22/unit

The maximum special tax rate is subject to an annual inflation adjustment based on the change in the Consumer Price Index (CPI) or five percent (5%), whichever is greater. However, the annual adjustment cannot be applied unless the CSD Board annually authorizes such adjustment. The increase to the maximum special tax rate cannot exceed the annual inflationary adjustment without a two-thirds approval of the qualified electors within the affected tax rate area.

NOTIFICATION

The Landowner Petitions were emailed to the Property Owners on June 27, 2023, July 19, 2023, August 2, 2023, August 9, 2023 and August 17, 2023.

PREPARATION OF STAFF REPORT

Prepared by:
Kimberly Ganimian
Special Districts Division Manager

Department Head Approval:
Brian Mohan
Assistant City Manager

Concurred by:
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.

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**

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

Objective 5.2: Promote the installation and maintenance of cost effective, low maintenance landscape, hardscape and other improvements which create a clean, inviting community.

ATTACHMENTS

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

1. Resolution Ordering Annexation - Amendment No. 90
2. Resolution Ordering Annexation - Amendment No. 93
3. Resolution Ordering Annexation - Amendment No. 100
4. Resolution Ordering Annexation - Amendment No. 102
5. Resolution Ordering Annexation - Amendment No. 105
6. Resolution Ordering Annexation - Amendment No. 108
7. Resolution Ordering Annexation - Amendment No. 110
8. Resolution Ordering Annexation - Amendment No. 111

- 9. Resolution Ordering Annexation - Amendment No. 112
- 10. Resolution Ordering Annexation - Amendment No. 113
- 11. Boundary Map - Amendment No. 90
- 12. Boundary Map - Amendment No. 93
- 13. Boundary Map - Amendment No. 100
- 14. Boundary Map - Amendment No. 102
- 15. Boundary Map - Amendment No. 105
- 16. Boundary Map - Amendment No. 108
- 17. Boundary Map - Amendment No. 110
- 18. Boundary Map - Amendment No. 111
- 19. Boundary Map - Amendment No. 112
- 20. Boundary Map - Amendment No. 113
- 21. Certificate of Election Official - Amendment No. 90
- 22. Certificate of Election Official - Amendment No. 93
- 23. Certificate of Election Official - Amendment No. 100
- 24. Certificate of Election Official - Amendment No. 102
- 25. Certificate of Election Official - Amendment No. 105
- 26. Certificate of Election Official - Amendment No. 108
- 27. Certificate of Election Official - Amendment No. 110
- 28. Certificate of Election Official - Amendment No. 111
- 29. Certificate of Election Official - Amendment No. 112
- 30. Certificate of Election Official - Amendment No. 113

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	8/24/23 1:04 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	8/28/23 8:40 AM

RESOLUTION NO. 2023-__

A RESOLUTION OF THE BOARD FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY TO MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) AND APPROVING AN AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2021-22, Board established the Moreno Valley Community Services District Community Facilities District No. 2021-01 (Parks Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. CSD 55, the Board authorized an annual special tax to be levied against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks maintenance services; and

WHEREAS, in order to permit landowners to efficiently annex developing parcels to the CFD, the Board, by its Ordinance No. CSD 56 designated the entire territory of the City of Moreno Valley as a future annexation area for the CFD; and

WHEREAS, the landowner of the parcel listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, has submitted to the District a petition requesting and approving annexation of the listed parcel (the "Annexation Parcel") to the CFD; and

WHEREAS, the Annexation Parcel is comprised of the territory shown on the boundary map (the "Boundary Map") entitled "Amendment No. 90 to Boundaries of Community Facilities District No. 2021-01 (Parks Maintenance), Moreno Valley Community Services District, City of Moreno Valley, County of Riverside, California" which is included as Exhibit B to this Resolution, and incorporated herein by this reference; and

WHEREAS, the Board desires to annex the Annexation Parcel to the CFD.

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

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Approved. The Annexation Parcel is hereby added to and part of the CFD with full legal effect and is subject to the Special Tax.
3. Description of Services. The following is a general description of the services (the "Services") provided in the CFD:

1
Resolution No. 2023-__
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 90 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

Maintaining, lighting, and operating parks and park improvements that are owned and operated by the CSD, to the extent such services are in addition to services already provided at the time CFD No. 2021-01 was created and do not supplant existing services.

Fundable services include (i) planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other plants and vegetation, (ii) the operation, maintenance, repair, and replacement of irrigation systems and lighting systems, and (iii) the operation maintenance, repair and replacement of any real property or improvements with a useful life of more than five years.

Fundable costs include, but are not limited to: (i) contracted costs for such services, (ii) salaries and benefits of staff, including park rangers, devoted to such services, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) administrative and overhead costs, including staff time, associated with providing such services, and (v) lifecycle costs associated with the repair and replacement of facilities and improvements.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing maps of the CFD. The Board directs that said map be filed with the Riverside County Recorder pursuant to Section 3113 of the Streets and Highways Code.

5. Notice of Special Tax Lien. The Board directs that an amended notice of special tax lien be recorded pursuant to Section 3117.5 of the Streets and Highways Code with respect to the Annexation Parcel associated with the Boundary Map.

6. This Resolution shall be effective immediately upon adoption.

7. The Secretary shall certify to the adoption of this Resolution, and shall maintain it on file as a public record this Resolution.

8. Severability. The Board 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.

2
Resolution No. CSD 2023-____
Date Adopted: September 5, 2023

APPROVED AND ADOPTED this 5th day of September 2023.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Resolution No. CSD 2023-3
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 90 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

RESOLUTION JURAT

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 for the Moreno Valley Community Services District at a regular meeting held on the 5th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

Resolution No. CSD 2023-____
Date Adopted: September 5, 2023

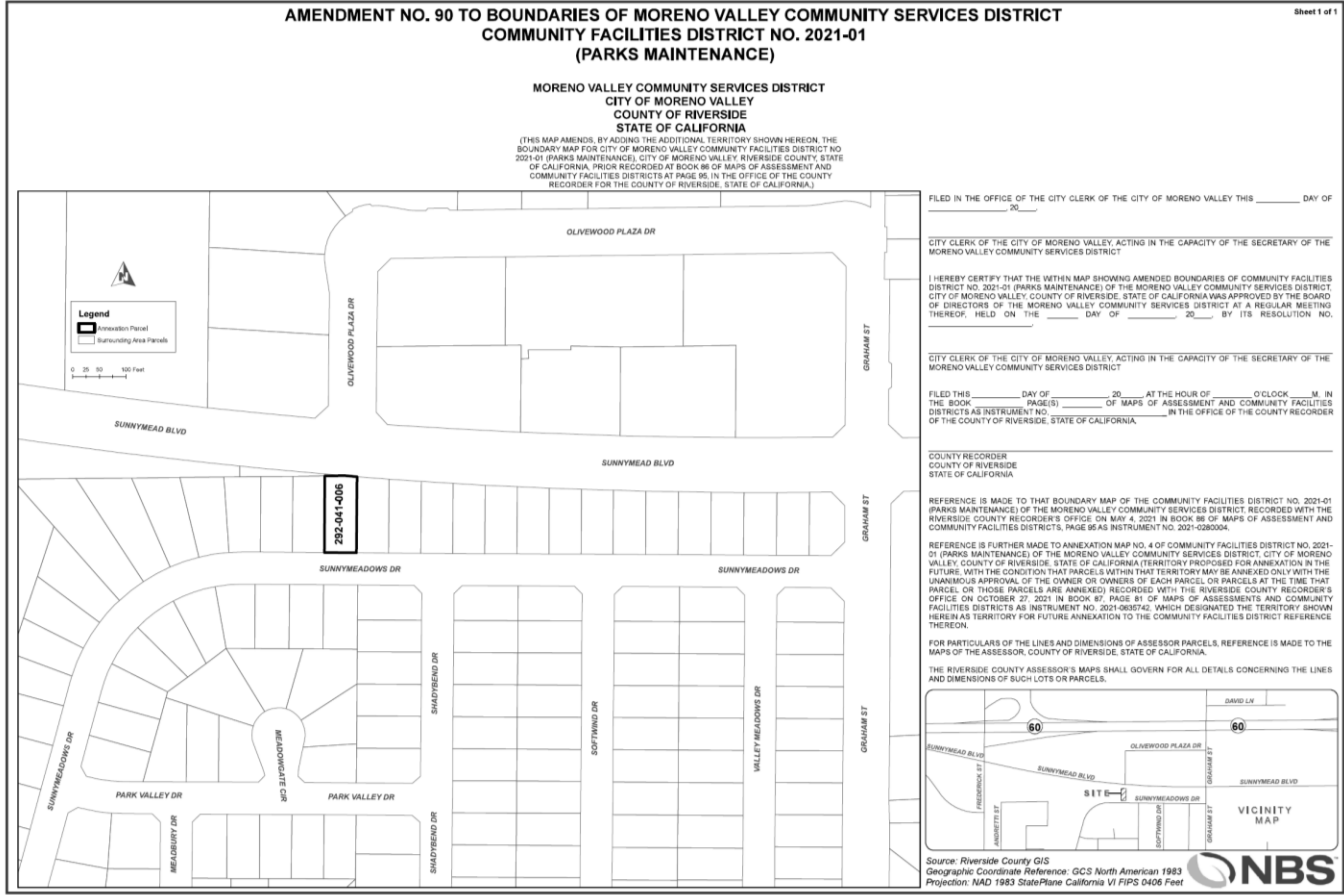
EXHIBIT A

List of Annexation Parcel(s)	
Amendment Map No.	Assessor's Parcel Number
90	292-041-006

Attachment: Resolution Ordering Annexation - Amendment No. 90 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

Resolution No. CSD 2023-5
Date Adopted: September 5, 2023

EXHIBIT B Boundary Map Amendment



Attachment: Resolution Ordering Annexation - Amendment No. 90 (6329) : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

6
Resolution No. CSD 2023-____
Date Adopted: September 5, 2023

RESOLUTION NO. 2023-___

A RESOLUTION OF THE BOARD FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY TO MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) AND APPROVING AN AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2021-22, Board established the Moreno Valley Community Services District Community Facilities District No. 2021-01 (Parks Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. CSD 55, the Board authorized an annual special tax to be levied against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks maintenance services; and

WHEREAS, in order to permit landowners to efficiently annex developing parcels to the CFD, the Board, by its Ordinance No. CSD 56 designated the entire territory of the City of Moreno Valley as a future annexation area for the CFD; and

WHEREAS, the landowner of the parcel listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, has submitted to the District a petition requesting and approving annexation of the listed parcel (the "Annexation Parcel") to the CFD; and

WHEREAS, the Annexation Parcel is comprised of the territory shown on the boundary map (the "Boundary Map") entitled "Amendment No. 93 to Boundaries of Community Facilities District No. 2021-01 (Parks Maintenance), Moreno Valley Community Services District, City of Moreno Valley, County of Riverside, California" which is included as Exhibit B to this Resolution, and incorporated herein by this reference; and

WHEREAS, the Board desires to annex the Annexation Parcel to the CFD.

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

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Approved. The Annexation Parcel is hereby added to and part of the CFD with full legal effect and is subject to the Special Tax.
3. Description of Services. The following is a general description of the services (the "Services") provided in the CFD:

1

Resolution No. 2023-___
Date Adopted: September 5, 2023

Maintaining, lighting, and operating parks and park improvements that are owned and operated by the CSD, to the extent such services are in addition to services already provided at the time CFD No. 2021-01 was created and do not supplant existing services.

Fundable services include (i) planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other plants and vegetation, (ii) the operation, maintenance, repair, and replacement of irrigation systems and lighting systems, and (iii) the operation maintenance, repair and replacement of any real property or improvements with a useful life of more than five years.

Fundable costs include, but are not limited to: (i) contracted costs for such services, (ii) salaries and benefits of staff, including park rangers, devoted to such services, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) administrative and overhead costs, including staff time, associated with providing such services, and (v) lifecycle costs associated with the repair and replacement of facilities and improvements.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing maps of the CFD. The Board directs that said map be filed with the Riverside County Recorder pursuant to Section 3113 of the Streets and Highways Code.

5. Notice of Special Tax Lien. The Board directs that an amended notice of special tax lien be recorded pursuant to Section 3117.5 of the Streets and Highways Code with respect to the Annexation Parcel associated with the Boundary Map.

6. This Resolution shall be effective immediately upon adoption.

7. The Secretary shall certify to the adoption of this Resolution, and shall maintain it on file as a public record this Resolution.

8. Severability. The Board 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.

2
Resolution No. CSD 2023-____
Date Adopted: September 5, 2023

APPROVED AND ADOPTED this 5th day of September 2023.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Resolution No. CSD 2023-3
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 93 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

RESOLUTION JURAT

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 for the Moreno Valley Community Services District at a regular meeting held on the 5th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

Resolution No. CSD 2023-____
Date Adopted: September 5, 2023

EXHIBIT A

List of Annexation Parcel(s)	
Amendment Map No.	Assessor's Parcel Number
93	488-390-005

Attachment: Resolution Ordering Annexation - Amendment No. 93 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

Resolution No. CSD 2023-5
Date Adopted: September 5, 2023

EXHIBIT B

Boundary Map Amendment

**AMENDMENT NO. 93 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2021-01
(PARKS MAINTENANCE)**

Sheet 1 of 1

**MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 95, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS _____ DAY OF _____ 20____

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____ 20____ BY ITS RESOLUTION NO. _____

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

FILED THIS _____ DAY OF _____ 20____ AT THE HOUR OF _____ O'CLOCK _____ M. IN THE BOOK _____ (PAGE) _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 95 AS INSTRUMENT NO. 2021-028000A.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 81 OF MAPS OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-008762, WHICH DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCE THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

Source: Riverside County GIS
Geographic Coordinate Reference: GCS North American 1983
Projection: NAD 1983 StatePlane California VI FIPS 0408 Feet

NBS

Attachment: Resolution Ordering Annexation - Amendment No. 93 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

RESOLUTION NO. 2023-__

A RESOLUTION OF THE BOARD FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY TO MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) AND APPROVING AN AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2021-22, Board established the Moreno Valley Community Services District Community Facilities District No. 2021-01 (Parks Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. CSD 55, the Board authorized an annual special tax to be levied against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks maintenance services; and

WHEREAS, in order to permit landowners to efficiently annex developing parcels to the CFD, the Board, by its Ordinance No. CSD 56 designated the entire territory of the City of Moreno Valley as a future annexation area for the CFD; and

WHEREAS, the landowner of the parcel listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, has submitted to the District a petition requesting and approving annexation of the listed parcel (the "Annexation Parcel") to the CFD; and

WHEREAS, the Annexation Parcel is comprised of the territory shown on the boundary map (the "Boundary Map") entitled "Amendment No. 100 to Boundaries of Community Facilities District No. 2021-01 (Parks Maintenance), Moreno Valley Community Services District, City of Moreno Valley, County of Riverside, California" which is included as Exhibit B to this Resolution, and incorporated herein by this reference; and

WHEREAS, the Board desires to annex the Annexation Parcel to the CFD.

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

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Approved. The Annexation Parcel is hereby added to and part of the CFD with full legal effect and is subject to the Special Tax.
3. Description of Services. The following is a general description of the services (the "Services") provided in the CFD:

1
Resolution No. 2023-__
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 100 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

Maintaining, lighting, and operating parks and park improvements that are owned and operated by the CSD, to the extent such services are in addition to services already provided at the time CFD No. 2021-01 was created and do not supplant existing services.

Fundable services include (i) planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other plants and vegetation, (ii) the operation, maintenance, repair, and replacement of irrigation systems and lighting systems, and (iii) the operation maintenance, repair and replacement of any real property or improvements with a useful life of more than five years.

Fundable costs include, but are not limited to: (i) contracted costs for such services, (ii) salaries and benefits of staff, including park rangers, devoted to such services, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) administrative and overhead costs, including staff time, associated with providing such services, and (v) lifecycle costs associated with the repair and replacement of facilities and improvements.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing maps of the CFD. The Board directs that said map be filed with the Riverside County Recorder pursuant to Section 3113 of the Streets and Highways Code.

5. Notice of Special Tax Lien. The Board directs that an amended notice of special tax lien be recorded pursuant to Section 3117.5 of the Streets and Highways Code with respect to the Annexation Parcel associated with the Boundary Map.

6. This Resolution shall be effective immediately upon adoption.

7. The Secretary shall certify to the adoption of this Resolution, and shall maintain it on file as a public record this Resolution.

8. Severability. The Board 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.

2
Resolution No. CSD 2023-____
Date Adopted: September 5, 2023

APPROVED AND ADOPTED this 5th day of September 2023.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Resolution No. CSD 2023-3
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 100 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

RESOLUTION JURAT

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 for the Moreno Valley Community Services District at a regular meeting held on the 5th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

4
Resolution No. CSD 2023-____
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 100 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

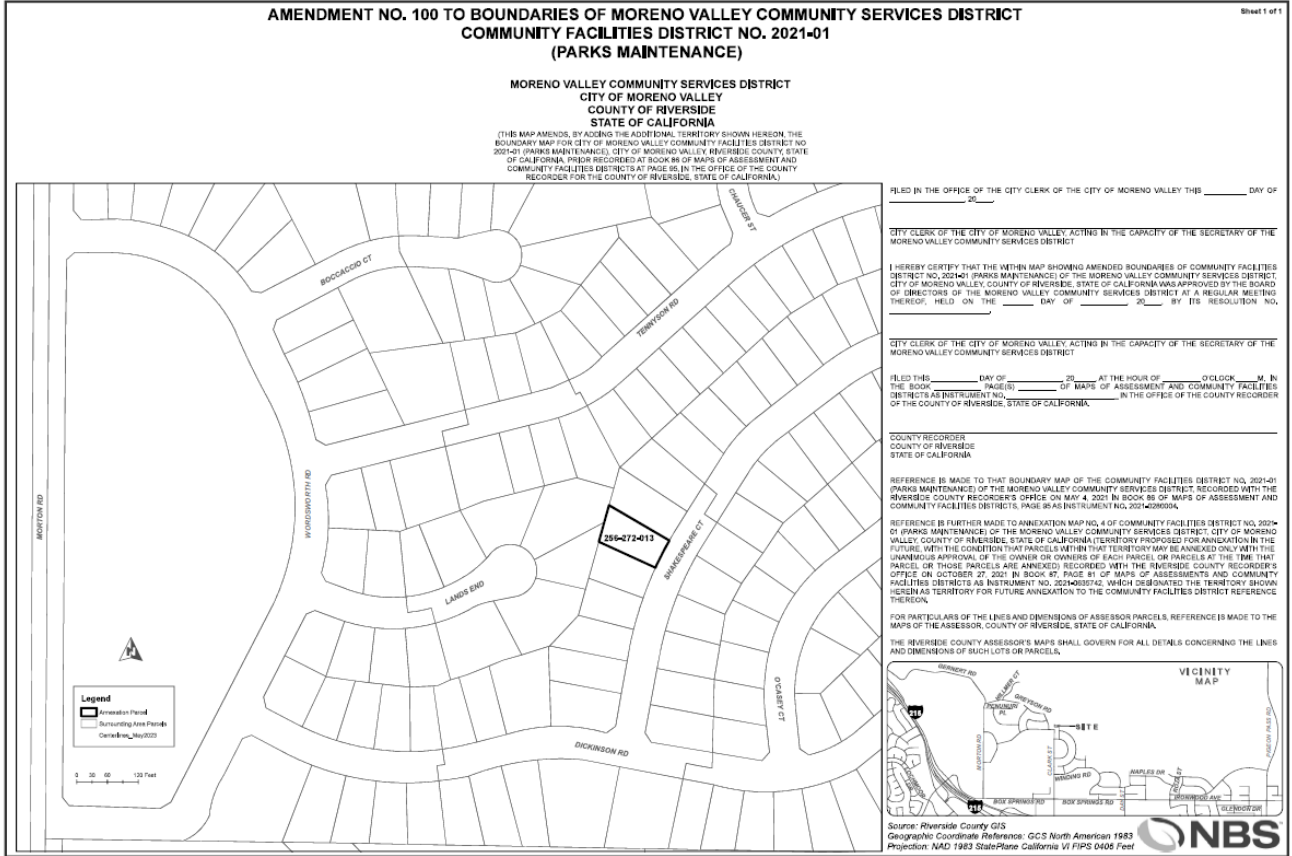
EXHIBIT A

List of Annexation Parcel(s)	
Amendment Map No.	Assessor's Parcel Number
100	256-272-013

Attachment: Resolution Ordering Annexation - Amendment No. 100 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

Resolution No. CSD 2023-5
Date Adopted: September 5, 2023

EXHIBIT B Boundary Map Amendment



Attachment: Resolution Ordering Annexation - Amendment No. 100 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

RESOLUTION NO. 2023-___

A RESOLUTION OF THE BOARD FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY TO MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) AND APPROVING AN AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2021-22, Board established the Moreno Valley Community Services District Community Facilities District No. 2021-01 (Parks Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. CSD 55, the Board authorized an annual special tax to be levied against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks maintenance services; and

WHEREAS, in order to permit landowners to efficiently annex developing parcels to the CFD, the Board, by its Ordinance No. CSD 56 designated the entire territory of the City of Moreno Valley as a future annexation area for the CFD; and

WHEREAS, the landowner of the parcel listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, has submitted to the District a petition requesting and approving annexation of the listed parcel (the "Annexation Parcel") to the CFD; and

WHEREAS, the Annexation Parcel is comprised of the territory shown on the boundary map (the "Boundary Map") entitled "Amendment No. 102 to Boundaries of Community Facilities District No. 2021-01 (Parks Maintenance), Moreno Valley Community Services District, City of Moreno Valley, County of Riverside, California" which is included as Exhibit B to this Resolution, and incorporated herein by this reference; and

WHEREAS, the Board desires to annex the Annexation Parcel to the CFD.

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

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Approved. The Annexation Parcel is hereby added to and part of the CFD with full legal effect and is subject to the Special Tax.
3. Description of Services. The following is a general description of the services (the "Services") provided in the CFD:

1

Resolution No. 2023-___
Date Adopted: September 5, 2023

Maintaining, lighting, and operating parks and park improvements that are owned and operated by the CSD, to the extent such services are in addition to services already provided at the time CFD No. 2021-01 was created and do not supplant existing services.

Fundable services include (i) planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other plants and vegetation, (ii) the operation, maintenance, repair, and replacement of irrigation systems and lighting systems, and (iii) the operation maintenance, repair and replacement of any real property or improvements with a useful life of more than five years.

Fundable costs include, but are not limited to: (i) contracted costs for such services, (ii) salaries and benefits of staff, including park rangers, devoted to such services, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) administrative and overhead costs, including staff time, associated with providing such services, and (v) lifecycle costs associated with the repair and replacement of facilities and improvements.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing maps of the CFD. The Board directs that said map be filed with the Riverside County Recorder pursuant to Section 3113 of the Streets and Highways Code.

5. Notice of Special Tax Lien. The Board directs that an amended notice of special tax lien be recorded pursuant to Section 3117.5 of the Streets and Highways Code with respect to the Annexation Parcel associated with the Boundary Map.

6. This Resolution shall be effective immediately upon adoption.

7. The Secretary shall certify to the adoption of this Resolution, and shall maintain it on file as a public record this Resolution.

8. Severability. The Board 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.

2
Resolution No. CSD 2023-____
Date Adopted: September 5, 2023

APPROVED AND ADOPTED this 5th day of September 2023.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Resolution No. CSD 2023-3
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 102 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

RESOLUTION JURAT

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 for the Moreno Valley Community Services District at a regular meeting held on the 5th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

4
Resolution No. CSD 2023-____
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 102 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

EXHIBIT A

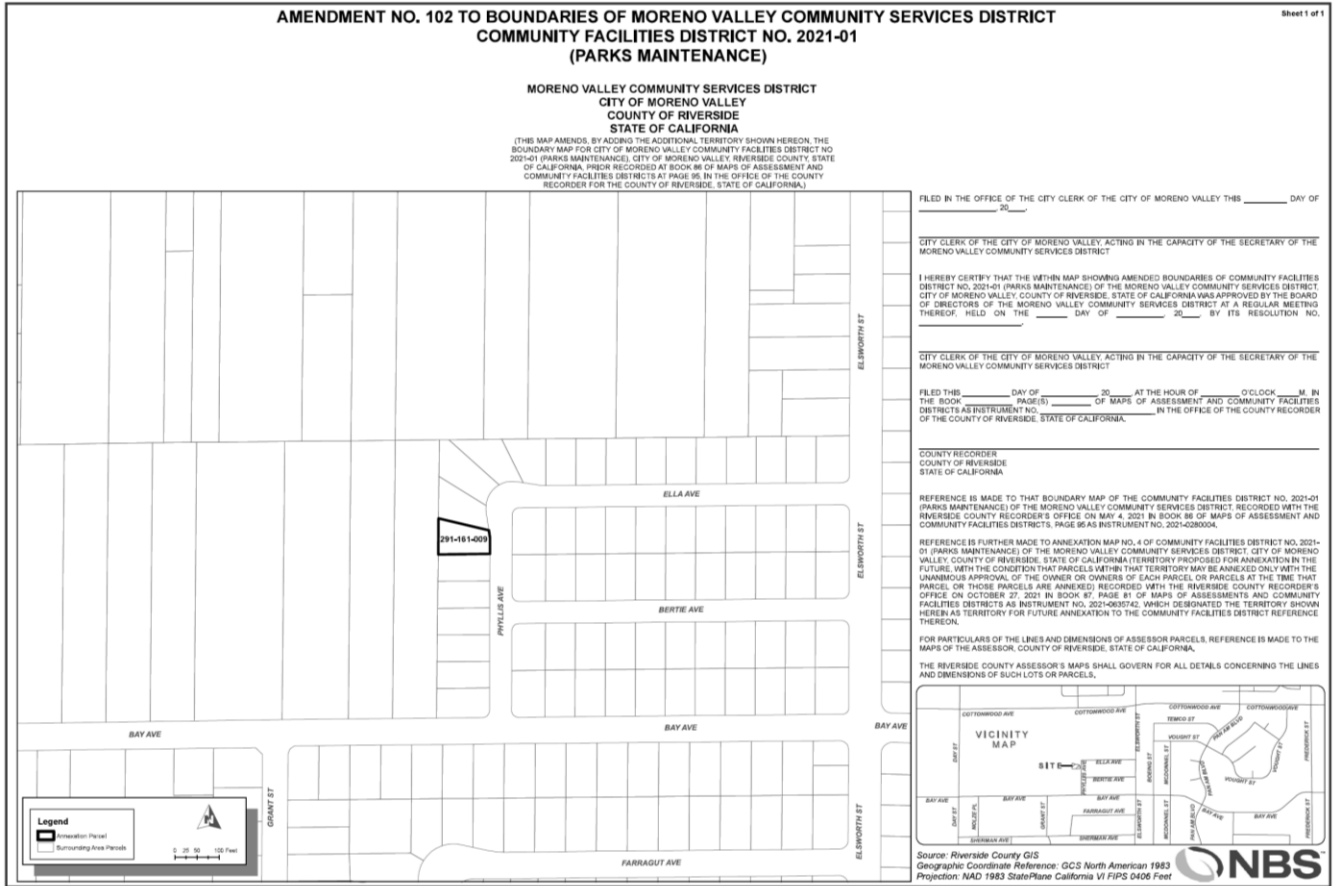
List of Annexation Parcel(s)	
Amendment Map No.	Assessor's Parcel Number
102	291-161-009

Attachment: Resolution Ordering Annexation - Amendment No. 102 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

Resolution No. CSD 2023-5
Date Adopted: September 5, 2023

EXHIBIT B

Boundary Map Amendment



Attachment: Resolution Ordering Annexation - Amendment No. 102 (6329) : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

6
Resolution No. CSD 2023-
Date Adopted: September 5, 2023

RESOLUTION NO. 2023-___

A RESOLUTION OF THE BOARD FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY TO MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) AND APPROVING AN AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2021-22, Board established the Moreno Valley Community Services District Community Facilities District No. 2021-01 (Parks Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. CSD 55, the Board authorized an annual special tax to be levied against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks maintenance services; and

WHEREAS, in order to permit landowners to efficiently annex developing parcels to the CFD, the Board, by its Ordinance No. CSD 56 designated the entire territory of the City of Moreno Valley as a future annexation area for the CFD; and

WHEREAS, the landowner of the parcel listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, has submitted to the District a petition requesting and approving annexation of the listed parcel (the "Annexation Parcel") to the CFD; and

WHEREAS, the Annexation Parcel is comprised of the territory shown on the boundary map (the "Boundary Map") entitled "Amendment No. 105 to Boundaries of Community Facilities District No. 2021-01 (Parks Maintenance), Moreno Valley Community Services District, City of Moreno Valley, County of Riverside, California" which is included as Exhibit B to this Resolution, and incorporated herein by this reference; and

WHEREAS, the Board desires to annex the Annexation Parcel to the CFD.

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

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Approved. The Annexation Parcel is hereby added to and part of the CFD with full legal effect and is subject to the Special Tax.
3. Description of Services. The following is a general description of the services (the "Services") provided in the CFD:

1
Resolution No. 2023-___
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 105 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

Maintaining, lighting, and operating parks and park improvements that are owned and operated by the CSD, to the extent such services are in addition to services already provided at the time CFD No. 2021-01 was created and do not supplant existing services.

Fundable services include (i) planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other plants and vegetation, (ii) the operation, maintenance, repair, and replacement of irrigation systems and lighting systems, and (iii) the operation maintenance, repair and replacement of any real property or improvements with a useful life of more than five years.

Fundable costs include, but are not limited to: (i) contracted costs for such services, (ii) salaries and benefits of staff, including park rangers, devoted to such services, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) administrative and overhead costs, including staff time, associated with providing such services, and (v) lifecycle costs associated with the repair and replacement of facilities and improvements.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing maps of the CFD. The Board directs that said map be filed with the Riverside County Recorder pursuant to Section 3113 of the Streets and Highways Code.

5. Notice of Special Tax Lien. The Board directs that an amended notice of special tax lien be recorded pursuant to Section 3117.5 of the Streets and Highways Code with respect to the Annexation Parcel associated with the Boundary Map.

6. This Resolution shall be effective immediately upon adoption.

7. The Secretary shall certify to the adoption of this Resolution, and shall maintain it on file as a public record this Resolution.

8. Severability. The Board 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.

2
Resolution No. CSD 2023-____
Date Adopted: September 5, 2023

APPROVED AND ADOPTED this 5th day of September 2023.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Resolution No. CSD 2023-3
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 105 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

RESOLUTION JURAT

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 for the Moreno Valley Community Services District at a regular meeting held on the 5th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

4
Resolution No. CSD 2023-____
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 105 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

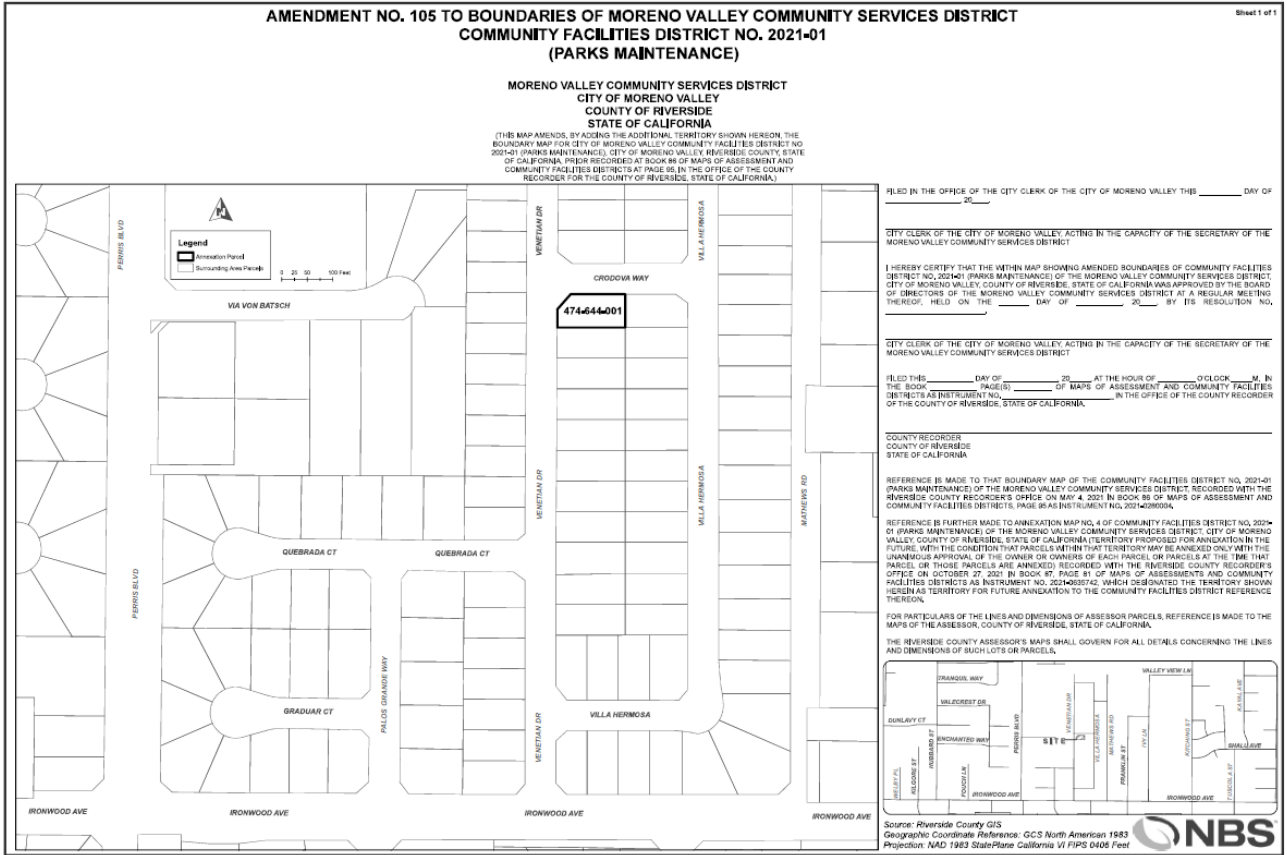
EXHIBIT A

List of Annexation Parcel(s)	
Amendment Map No.	Assessor's Parcel Number
105	474-644-001

Attachment: Resolution Ordering Annexation - Amendment No. 105 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

Resolution No. CSD 2023-5
Date Adopted: September 5, 2023

EXHIBIT B Boundary Map Amendment



Attachment: Resolution Ordering Annexation - Amendment No. 105 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

RESOLUTION NO. 2023-____

A RESOLUTION OF THE BOARD FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY TO MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) AND APPROVING AN AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2021-22, Board established the Moreno Valley Community Services District Community Facilities District No. 2021-01 (Parks Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. CSD 55, the Board authorized an annual special tax to be levied against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks maintenance services; and

WHEREAS, in order to permit landowners to efficiently annex developing parcels to the CFD, the Board, by its Ordinance No. CSD 56 designated the entire territory of the City of Moreno Valley as a future annexation area for the CFD; and

WHEREAS, the landowner of the parcel listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, has submitted to the District a petition requesting and approving annexation of the listed parcel (the "Annexation Parcel") to the CFD; and

WHEREAS, the Annexation Parcel is comprised of the territory shown on the boundary map (the "Boundary Map") entitled "Amendment No. 108 to Boundaries of Community Facilities District No. 2021-01 (Parks Maintenance), Moreno Valley Community Services District, City of Moreno Valley, County of Riverside, California" which is included as Exhibit B to this Resolution, and incorporated herein by this reference; and

WHEREAS, the Board desires to annex the Annexation Parcel to the CFD.

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

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Approved. The Annexation Parcel is hereby added to and part of the CFD with full legal effect and is subject to the Special Tax.
3. Description of Services. The following is a general description of the services (the "Services") provided in the CFD:

1

Resolution No. 2023-____
Date Adopted: September 5, 2023

Maintaining, lighting, and operating parks and park improvements that are owned and operated by the CSD, to the extent such services are in addition to services already provided at the time CFD No. 2021-01 was created and do not supplant existing services.

Fundable services include (i) planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other plants and vegetation, (ii) the operation, maintenance, repair, and replacement of irrigation systems and lighting systems, and (iii) the operation maintenance, repair and replacement of any real property or improvements with a useful life of more than five years.

Fundable costs include, but are not limited to: (i) contracted costs for such services, (ii) salaries and benefits of staff, including park rangers, devoted to such services, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) administrative and overhead costs, including staff time, associated with providing such services, and (v) lifecycle costs associated with the repair and replacement of facilities and improvements.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing maps of the CFD. The Board directs that said map be filed with the Riverside County Recorder pursuant to Section 3113 of the Streets and Highways Code.

5. Notice of Special Tax Lien. The Board directs that an amended notice of special tax lien be recorded pursuant to Section 3117.5 of the Streets and Highways Code with respect to the Annexation Parcel associated with the Boundary Map.

6. This Resolution shall be effective immediately upon adoption.

7. The Secretary shall certify to the adoption of this Resolution, and shall maintain it on file as a public record this Resolution.

8. Severability. The Board 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.

2
Resolution No. CSD 2023-____
Date Adopted: September 5, 2023

APPROVED AND ADOPTED this 5th day of September 2023.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Resolution No. CSD 2023-3
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 108 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

RESOLUTION JURAT

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 for the Moreno Valley Community Services District at a regular meeting held on the 5th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

4
Resolution No. CSD 2023-____
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 108 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

EXHIBIT A

List of Annexation Parcel(s)	
Amendment Map No.	Assessor's Parcel Number
108	481-020-036

Attachment: Resolution Ordering Annexation - Amendment No. 108 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

Resolution No. CSD 2023-5
Date Adopted: September 5, 2023

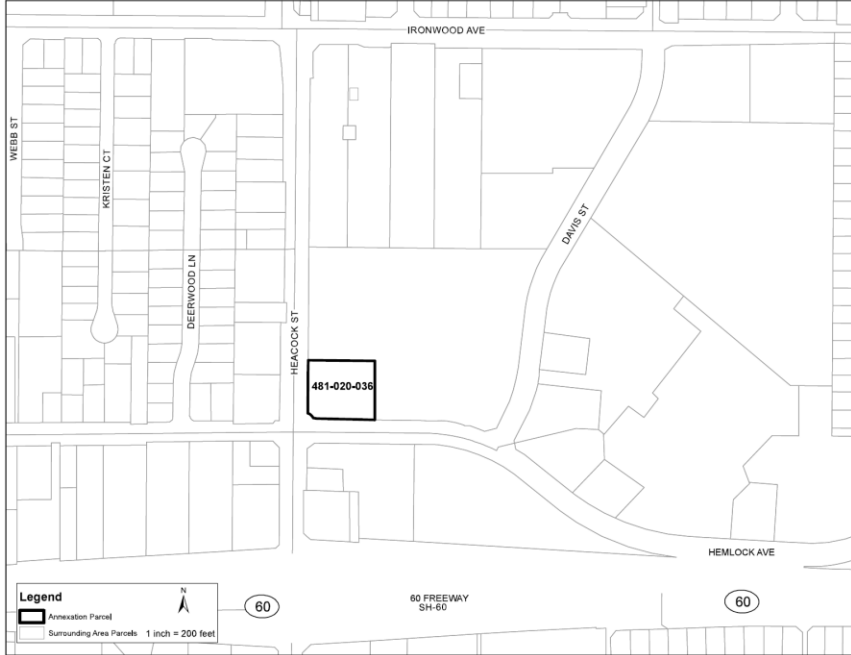
EXHIBIT B Boundary Map Amendment

AMENDMENT NO. 108 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE)

SHEET 1 OF 1

MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 86, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS _____ DAY OF _____ 20__.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF HELD ON THE _____ DAY OF _____ 20__ BY ITS RESOLUTION NO. _____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

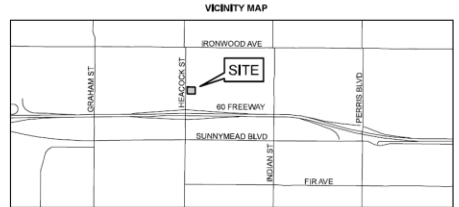
FILED THIS _____ DAY OF _____ 20__ AT THE HOUR OF _____ O'CLOCK _____ M. IN THE BOOK _____ PAGE(S) _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 86 AS INSTRUMENT NO. 2021-020004.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-005742 WHICH DESIGNATED THE TERRITORY SHOWN HEREON AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCED THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



WILLDAN
27768 Via Encinitas, Suite 200
San Diego, CA 92108
(619) 587-2600

Attachment: Resolution Ordering Annexation - Amendment No. 108 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

Resolution No. CSD 2023-6
Date Adopted: September 5, 2023

RESOLUTION NO. 2023-___

A RESOLUTION OF THE BOARD FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY TO MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) AND APPROVING AN AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2021-22, Board established the Moreno Valley Community Services District Community Facilities District No. 2021-01 (Parks Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. CSD 55, the Board authorized an annual special tax to be levied against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks maintenance services; and

WHEREAS, in order to permit landowners to efficiently annex developing parcels to the CFD, the Board, by its Ordinance No. CSD 56 designated the entire territory of the City of Moreno Valley as a future annexation area for the CFD; and

WHEREAS, the landowner of the parcel listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, has submitted to the District a petition requesting and approving annexation of the listed parcel (the "Annexation Parcel") to the CFD; and

WHEREAS, the Annexation Parcel is comprised of the territory shown on the boundary map (the "Boundary Map") entitled "Amendment No. 110 to Boundaries of Community Facilities District No. 2021-01 (Parks Maintenance), Moreno Valley Community Services District, City of Moreno Valley, County of Riverside, California" which is included as Exhibit B to this Resolution, and incorporated herein by this reference; and

WHEREAS, the Board desires to annex the Annexation Parcel to the CFD.

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

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Approved. The Annexation Parcel is hereby added to and part of the CFD with full legal effect and is subject to the Special Tax.
3. Description of Services. The following is a general description of the services (the "Services") provided in the CFD:

1
Resolution No. 2023-___
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 110 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

Maintaining, lighting, and operating parks and park improvements that are owned and operated by the CSD, to the extent such services are in addition to services already provided at the time CFD No. 2021-01 was created and do not supplant existing services.

Fundable services include (i) planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other plants and vegetation, (ii) the operation, maintenance, repair, and replacement of irrigation systems and lighting systems, and (iii) the operation maintenance, repair and replacement of any real property or improvements with a useful life of more than five years.

Fundable costs include, but are not limited to: (i) contracted costs for such services, (ii) salaries and benefits of staff, including park rangers, devoted to such services, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) administrative and overhead costs, including staff time, associated with providing such services, and (v) lifecycle costs associated with the repair and replacement of facilities and improvements.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing maps of the CFD. The Board directs that said map be filed with the Riverside County Recorder pursuant to Section 3113 of the Streets and Highways Code.

5. Notice of Special Tax Lien. The Board directs that an amended notice of special tax lien be recorded pursuant to Section 3117.5 of the Streets and Highways Code with respect to the Annexation Parcel associated with the Boundary Map.

6. This Resolution shall be effective immediately upon adoption.

7. The Secretary shall certify to the adoption of this Resolution, and shall maintain it on file as a public record this Resolution.

8. Severability. The Board 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.

APPROVED AND ADOPTED this 5th day of September 2023.

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

ATTEST:

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

APPROVED AS TO FORM:

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

RESOLUTION JURAT

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 for the Moreno Valley Community Services District at a regular meeting held on the 5th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

EXHIBIT A

List of Annexation Parcel(s)	
Amendment Map No.	Assessor's Parcel Number
110	264-092-031

Attachment: Resolution Ordering Annexation - Amendment No. 110 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

EXHIBIT B Boundary Map Amendment

**AMENDMENT NO. 110 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2021-01
(PARKS MAINTENANCE)**

SHEET 1 OF 1

**MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**

(THIS MAP AMENDS BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 95, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS ____ DAY OF ____ 20__

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE ____ DAY OF ____ 20__ BY ITS RESOLUTION NO. _____

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

FILED THIS ____ DAY OF ____ 20__ AT THE HOUR OF ____ O'CLOCK ____ M. IN THE BOOK ____ PAGE(S) ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 95 AS INSTRUMENT NO. 2021-028004.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-025745 WHICH DESIGNATED THE TERRITORY SHOWN HEREON AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCED THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA. THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

Legend

Annexation Parcel

Surrounding Area Parcels 1 inch = 100 feet

VICINITY MAP

WILLDAN

27363 Via Indebility, Suite 200
Torrance, CA 90503
(911) 967-9200

Attachment: Resolution Ordering Annexation - Amendment No. 110 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

RESOLUTION NO. 2023-___

A RESOLUTION OF THE BOARD FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY TO MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) AND APPROVING AN AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2021-22, Board established the Moreno Valley Community Services District Community Facilities District No. 2021-01 (Parks Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. CSD 55, the Board authorized an annual special tax to be levied against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks maintenance services; and

WHEREAS, in order to permit landowners to efficiently annex developing parcels to the CFD, the Board, by its Ordinance No. CSD 56 designated the entire territory of the City of Moreno Valley as a future annexation area for the CFD; and

WHEREAS, the landowner of the parcel listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, has submitted to the District a petition requesting and approving annexation of the listed parcel (the "Annexation Parcel") to the CFD; and

WHEREAS, the Annexation Parcel is comprised of the territory shown on the boundary map (the "Boundary Map") entitled "Amendment No. 111 to Boundaries of Community Facilities District No. 2021-01 (Parks Maintenance), Moreno Valley Community Services District, City of Moreno Valley, County of Riverside, California" which is included as Exhibit B to this Resolution, and incorporated herein by this reference; and

WHEREAS, the Board desires to annex the Annexation Parcel to the CFD.

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

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Approved. The Annexation Parcel is hereby added to and part of the CFD with full legal effect and is subject to the Special Tax.
3. Description of Services. The following is a general description of the services (the "Services") provided in the CFD:

1
Resolution No. 2023-___
Date Adopted: September 5, 2023

Attachment: Resolution Ordering Annexation - Amendment No. 111 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

Maintaining, lighting, and operating parks and park improvements that are owned and operated by the CSD, to the extent such services are in addition to services already provided at the time CFD No. 2021-01 was created and do not supplant existing services.

Fundable services include (i) planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other plants and vegetation, (ii) the operation, maintenance, repair, and replacement of irrigation systems and lighting systems, and (iii) the operation maintenance, repair and replacement of any real property or improvements with a useful life of more than five years.

Fundable costs include, but are not limited to: (i) contracted costs for such services, (ii) salaries and benefits of staff, including park rangers, devoted to such services, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) administrative and overhead costs, including staff time, associated with providing such services, and (v) lifecycle costs associated with the repair and replacement of facilities and improvements.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing maps of the CFD. The Board directs that said map be filed with the Riverside County Recorder pursuant to Section 3113 of the Streets and Highways Code.

5. Notice of Special Tax Lien. The Board directs that an amended notice of special tax lien be recorded pursuant to Section 3117.5 of the Streets and Highways Code with respect to the Annexation Parcel associated with the Boundary Map.

6. This Resolution shall be effective immediately upon adoption.

7. The Secretary shall certify to the adoption of this Resolution, and shall maintain it on file as a public record this Resolution.

8. Severability. The Board 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.

APPROVED AND ADOPTED this 5th day of September 2023.

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

ATTEST:

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

APPROVED AS TO FORM:

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

RESOLUTION JURAT

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 for the Moreno Valley Community Services District at a regular meeting held on the 5th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

EXHIBIT A

List of Annexation Parcel(s)	
Amendment Map No.	Assessor's Parcel Number
111	304-220-054

Attachment: Resolution Ordering Annexation - Amendment No. 111 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

EXHIBIT B Boundary Map Amendment

AMENDMENT NO. 111 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE)

SHEET 1 OF 1

MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 55, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS ____ DAY OF ____ 20__.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE ____ DAY OF ____ 20__ BY ITS RESOLUTION NO. ____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

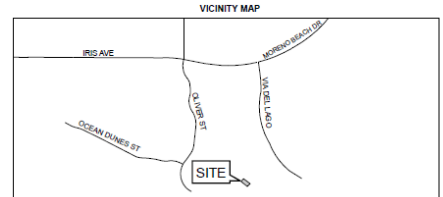
FILED THIS ____ DAY OF ____ 20__ AT THE HOUR OF ____ O'CLOCK ____ M. IN THE BOOK ____ PAGE(S) ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. ____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 55 AS INSTRUMENT NO. 2021-028004.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED), RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-068142 WHICH DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCED THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA. THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



Attachment: Resolution Ordering Annexation - Amendment No. 111 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

RESOLUTION NO. 2023-___

A RESOLUTION OF THE BOARD FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY TO MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) AND APPROVING AN AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2021-22, Board established the Moreno Valley Community Services District Community Facilities District No. 2021-01 (Parks Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. CSD 55, the Board authorized an annual special tax to be levied against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks maintenance services; and

WHEREAS, in order to permit landowners to efficiently annex developing parcels to the CFD, the Board, by its Ordinance No. CSD 56 designated the entire territory of the City of Moreno Valley as a future annexation area for the CFD; and

WHEREAS, the landowner of the parcel listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, has submitted to the District a petition requesting and approving annexation of the listed parcel (the "Annexation Parcel") to the CFD; and

WHEREAS, the Annexation Parcel is comprised of the territory shown on the boundary map (the "Boundary Map") entitled "Amendment No. 112 to Boundaries of Community Facilities District No. 2021-01 (Parks Maintenance), Moreno Valley Community Services District, City of Moreno Valley, County of Riverside, California" which is included as Exhibit B to this Resolution, and incorporated herein by this reference; and

WHEREAS, the Board desires to annex the Annexation Parcel to the CFD.

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

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Approved. The Annexation Parcel is hereby added to and part of the CFD with full legal effect and is subject to the Special Tax.
3. Description of Services. The following is a general description of the services (the "Services") provided in the CFD:

1
Resolution No. 2023-___
Date Adopted: September 5, 2023

Maintaining, lighting, and operating parks and park improvements that are owned and operated by the CSD, to the extent such services are in addition to services already provided at the time CFD No. 2021-01 was created and do not supplant existing services.

Fundable services include (i) planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other plants and vegetation, (ii) the operation, maintenance, repair, and replacement of irrigation systems and lighting systems, and (iii) the operation maintenance, repair and replacement of any real property or improvements with a useful life of more than five years.

Fundable costs include, but are not limited to: (i) contracted costs for such services, (ii) salaries and benefits of staff, including park rangers, devoted to such services, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) administrative and overhead costs, including staff time, associated with providing such services, and (v) lifecycle costs associated with the repair and replacement of facilities and improvements.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing maps of the CFD. The Board directs that said map be filed with the Riverside County Recorder pursuant to Section 3113 of the Streets and Highways Code.

5. Notice of Special Tax Lien. The Board directs that an amended notice of special tax lien be recorded pursuant to Section 3117.5 of the Streets and Highways Code with respect to the Annexation Parcel associated with the Boundary Map.

6. This Resolution shall be effective immediately upon adoption.

7. The Secretary shall certify to the adoption of this Resolution, and shall maintain it on file as a public record this Resolution.

8. Severability. The Board 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.

APPROVED AND ADOPTED this 5th day of September 2023.

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

ATTEST:

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

APPROVED AS TO FORM:

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

RESOLUTION JURAT

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 for the Moreno Valley Community Services District at a regular meeting held on the 5th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

EXHIBIT A

List of Annexation Parcel(s)	
Amendment Map No.	Assessor's Parcel Number
112	479-653-004

Attachment: Resolution Ordering Annexation - Amendment No. 112 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

EXHIBIT B Boundary Map Amendment

**AMENDMENT NO. 112 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2021-01
(PARKS MAINTENANCE)**

SHEET 1 OF 1

**MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 95, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS ____ DAY OF ____ 20__.

CITY CLERK OF THE CITY OF MORENO VALLEY ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF HELD ON THE ____ DAY OF ____ 20__ BY ITS RESOLUTION NO. ____.

CITY CLERK OF THE CITY OF MORENO VALLEY ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT.

FILED THIS ____ DAY OF ____ 20__ AT THE HOUR OF ____ O'CLOCK
M. IN THE BOOK ____ PAGE(S) ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. ____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 95 AS INSTRUMENT NO. 2021-028004.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 87 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-855742 WHICH DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCED THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

VICINITY MAP

27390 Via Industria, Suite 200
Torrance, CA 90503
(310) 567-9000

Legend

Annotated Parcel

Surrounding Area Parcels 1 inch = 100 feet

Attachment: Resolution Ordering Annexation - Amendment No. 112 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

RESOLUTION NO. 2023-___

A RESOLUTION OF THE BOARD FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY TO MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) AND APPROVING AN AMENDED MAP FOR SAID DISTRICT

WHEREAS, by its Resolution No. CSD 2021-22, Board established the Moreno Valley Community Services District Community Facilities District No. 2021-01 (Parks Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, by its Ordinance No. CSD 55, the Board authorized an annual special tax to be levied against all non-exempt parcels of real property within the CFD (the "Special Tax") to fund parks maintenance services; and

WHEREAS, in order to permit landowners to efficiently annex developing parcels to the CFD, the Board, by its Ordinance No. CSD 56 designated the entire territory of the City of Moreno Valley as a future annexation area for the CFD; and

WHEREAS, the landowner of the parcel listed on Exhibit A to this Resolution, which is attached hereto and incorporated herein by reference, has submitted to the District a petition requesting and approving annexation of the listed parcel (the "Annexation Parcel") to the CFD; and

WHEREAS, the Annexation Parcel is comprised of the territory shown on the boundary map (the "Boundary Map") entitled "Amendment No. 113 to Boundaries of Community Facilities District No. 2021-01 (Parks Maintenance), Moreno Valley Community Services District, City of Moreno Valley, County of Riverside, California" which is included as Exhibit B to this Resolution, and incorporated herein by this reference; and

WHEREAS, the Board desires to annex the Annexation Parcel to the CFD.

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

1. Recitals. The above recitals are all true and correct and are herein incorporated.
2. Annexation Approved. The Annexation Parcel is hereby added to and part of the CFD with full legal effect and is subject to the Special Tax.
3. Description of Services. The following is a general description of the services (the "Services") provided in the CFD:

1

Resolution No. 2023-___
Date Adopted: September 5, 2023

Maintaining, lighting, and operating parks and park improvements that are owned and operated by the CSD, to the extent such services are in addition to services already provided at the time CFD No. 2021-01 was created and do not supplant existing services.

Fundable services include (i) planting, replanting, mowing, trimming, irrigation and fertilization of grass, trees, shrubs, and other plants and vegetation, (ii) the operation, maintenance, repair, and replacement of irrigation systems and lighting systems, and (iii) the operation maintenance, repair and replacement of any real property or improvements with a useful life of more than five years.

Fundable costs include, but are not limited to: (i) contracted costs for such services, (ii) salaries and benefits of staff, including park rangers, devoted to such services, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) administrative and overhead costs, including staff time, associated with providing such services, and (v) lifecycle costs associated with the repair and replacement of facilities and improvements.

4. Amended Boundary Map. The Boundary Map attached hereto as Exhibit B is hereby approved. This map amends, and does not supersede, the existing maps of the CFD. The Board directs that said map be filed with the Riverside County Recorder pursuant to Section 3113 of the Streets and Highways Code.

5. Notice of Special Tax Lien. The Board directs that an amended notice of special tax lien be recorded pursuant to Section 3117.5 of the Streets and Highways Code with respect to the Annexation Parcel associated with the Boundary Map.

6. This Resolution shall be effective immediately upon adoption.

7. The Secretary shall certify to the adoption of this Resolution, and shall maintain it on file as a public record this Resolution.

8. Severability. The Board 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.

APPROVED AND ADOPTED this 5th day of September 2023.

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

ATTEST:

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

APPROVED AS TO FORM:

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

RESOLUTION JURAT

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 for the Moreno Valley Community Services District at a regular meeting held on the 5th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

EXHIBIT A

List of Annexation Parcel(s)	
Amendment Map No.	Assessor's Parcel Number
113	484-143-007

Attachment: Resolution Ordering Annexation - Amendment No. 113 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

EXHIBIT B Boundary Map Amendment

AMENDMENT NO. 113 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE)

SHEET 1 OF 1

MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 95, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS ____ DAY OF ____ 20__

CITY CLERK OF THE CITY OF MORENO VALLEY ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF HELD ON THE ____ DAY OF ____ 20__ BY ITS RESOLUTION NO. ____

CITY CLERK OF THE CITY OF MORENO VALLEY ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

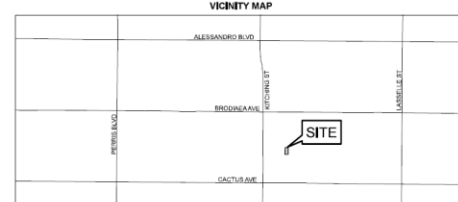
FILED THIS ____ DAY OF ____ 20__ AT THE HOUR OF ____ O'CLOCK ____ M. IN THE BOOK ____ PAGE(S) ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. ____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 95 AS INSTRUMENT NO. 2021-028004.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL, OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-3635742 WHICH DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCED THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



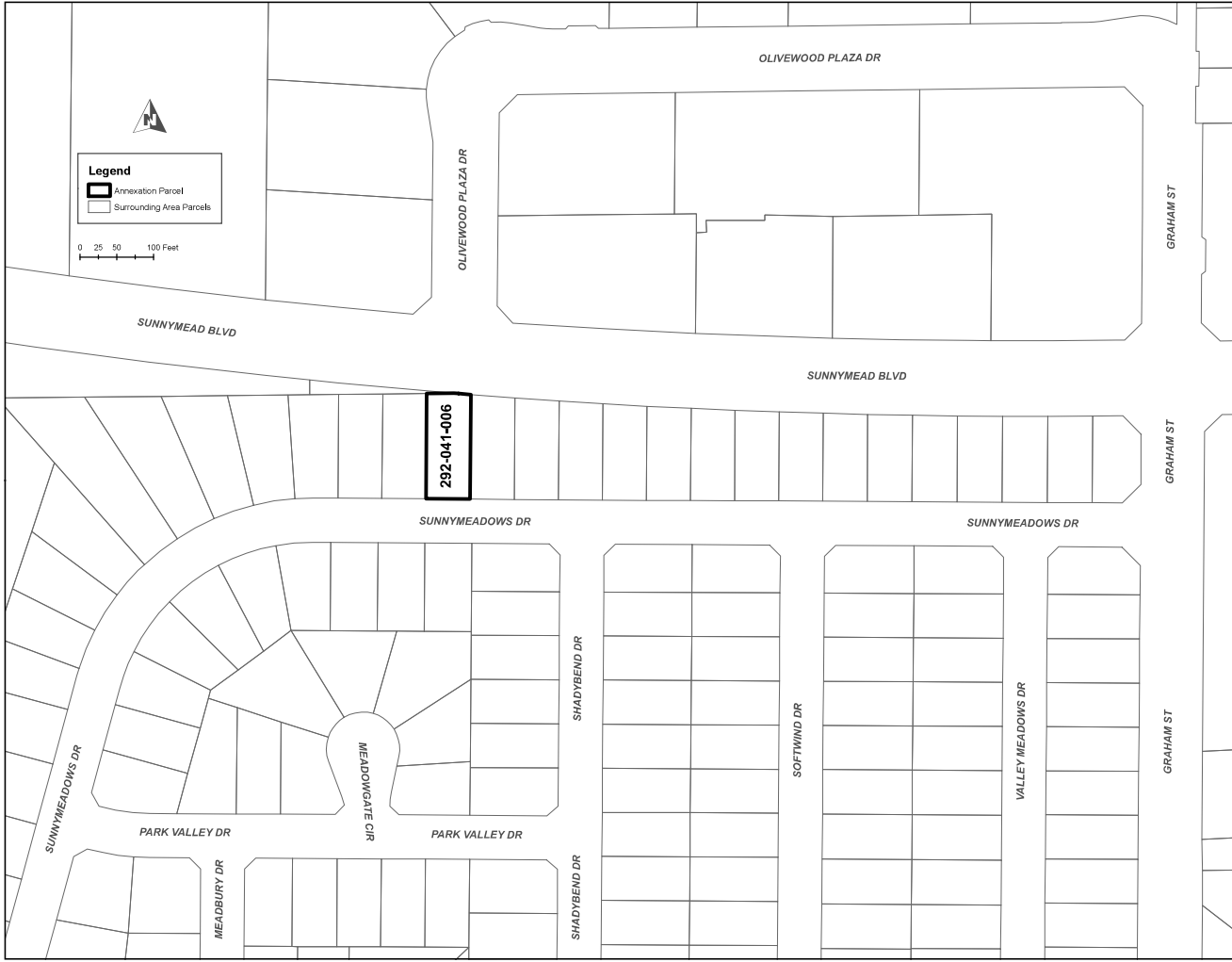
WILLDAN
3788 Via Indio, Suite 200
Temecula, CA 92590
(951) 694-0400

Attachment: Resolution Ordering Annexation - Amendment No. 113 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN

AMENDMENT NO. 90 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE)

**MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 95 IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS _____ DAY OF _____, 20____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 20____ BY ITS RESOLUTION NO. _____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

FILED THIS _____ DAY OF _____, 20____ AT THE HOUR OF _____ O'CLOCK _____ M. IN THE BOOK _____ PAGE(S) _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

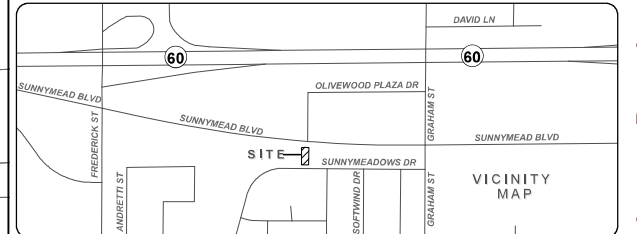
COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 95 AS INSTRUMENT NO. 2021-0280004.

REFERENCE IS MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 81 OF MAPS OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-0635742, WHICH DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCE THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



Source: Riverside County GIS
Geographic Coordinate Reference: GCS North American 1983
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet



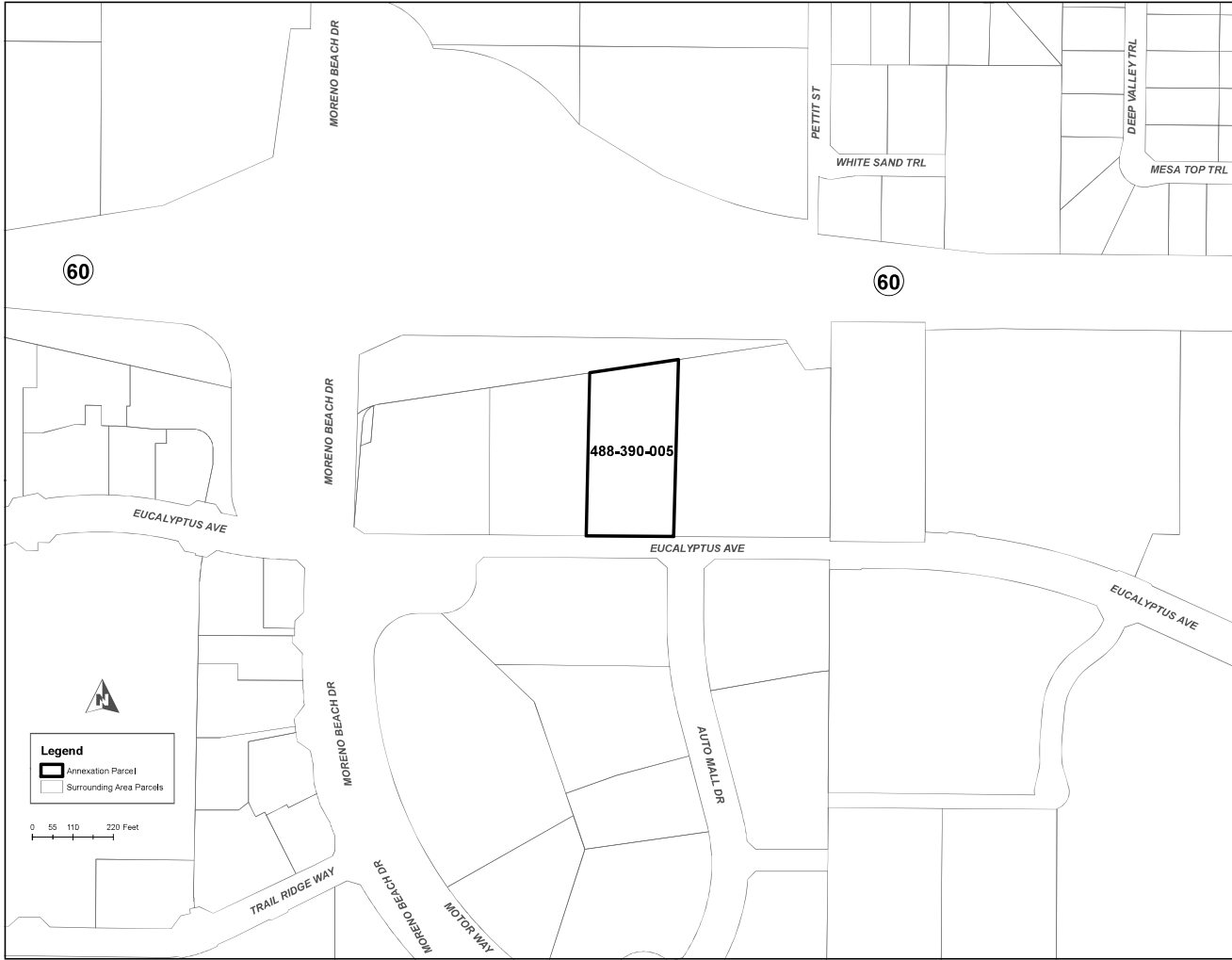
Attachment: Boundary Map - Amendment No. 90 (6329 : PURSUANT TO LANDOWNER PETITIONS,

AMENDMENT NO. 93 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE)

Sheet 1 of 1

**MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 95 IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS _____ DAY OF _____, 20____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 20____ BY ITS RESOLUTION NO. _____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

FILED THIS _____ DAY OF _____, 20____ AT THE HOUR OF _____ O'CLOCK _____ M. IN THE BOOK _____ PAGE(S) _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

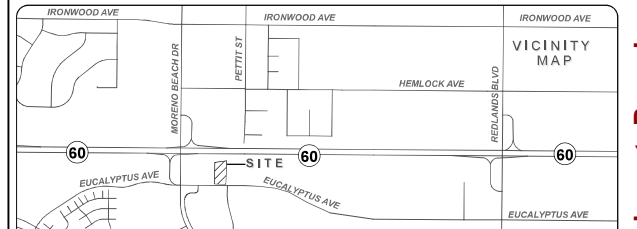
COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 95 AS INSTRUMENT NO. 2021-0280004.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 81 OF MAPS OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-0635742, WHICH DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCE THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



Source: Riverside County GIS
Geographic Coordinate Reference: GCS North American 1983
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet



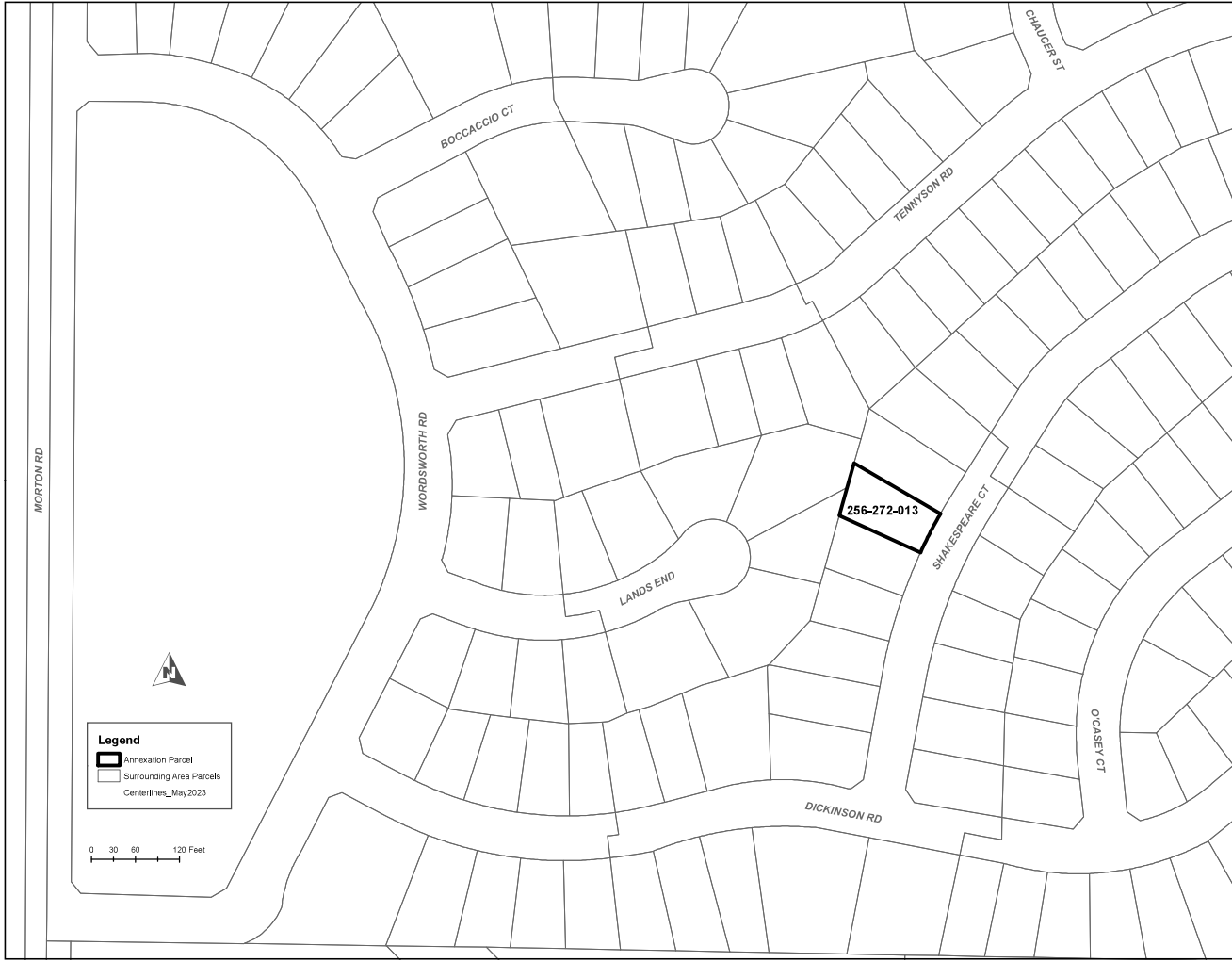
Attachment: Boundary Map - Amendment No. 93 (6329 : PURSUANT TO LANDOWNER PETITIONS,

AMENDMENT NO. 100 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE)

Sheet 1 of 1

**MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 95 IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS _____ DAY OF _____, 20____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 20____ BY ITS RESOLUTION NO. _____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

FILED THIS _____ DAY OF _____, 20____ AT THE HOUR OF _____ O'CLOCK _____ M. IN THE BOOK _____ PAGE(S) _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 95 AS INSTRUMENT NO. 2021-0280004.

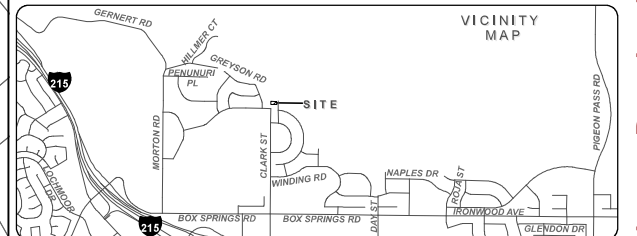
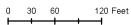
REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 81 OF MAPS OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-0635742, WHICH DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCE THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

Legend

- Annexation Parcel
- Surrounding Area Parcels
- Centerlines_May2023



Source: Riverside County GIS
Geographic Coordinate Reference: GCS North American 1983
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet

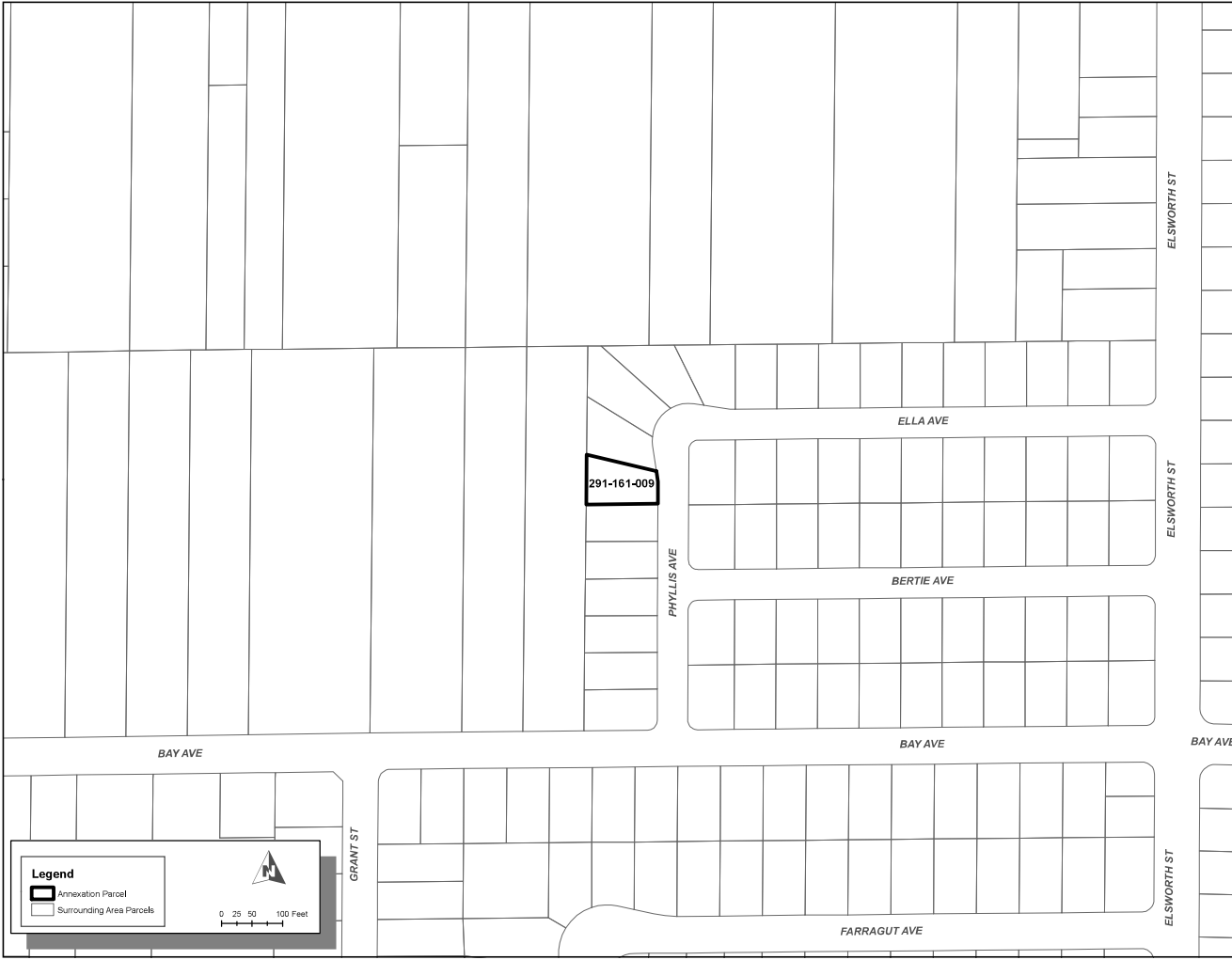


Attachment: Boundary Map - Amendment No. 100 (6329 : PURSUANT TO LANDOWNER PETITIONS,

AMENDMENT NO. 102 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE)

**MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 95 IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS _____ DAY OF _____, 20____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 20____ BY ITS RESOLUTION NO. _____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

FILED THIS _____ DAY OF _____, 20____ AT THE HOUR OF _____ O'CLOCK _____ M. IN THE BOOK _____ PAGE(S) _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

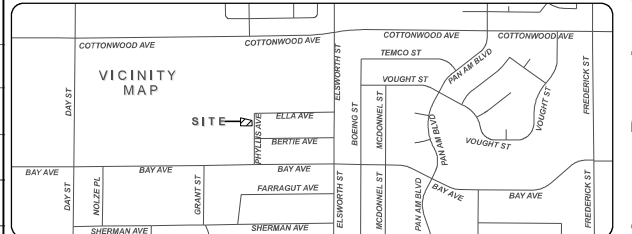
COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 95 AS INSTRUMENT NO. 2021-0280004.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 81 OF MAPS OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-0635742, WHICH DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCE THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



Source: Riverside County GIS
Geographic Coordinate Reference: GCS North American 1983
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet



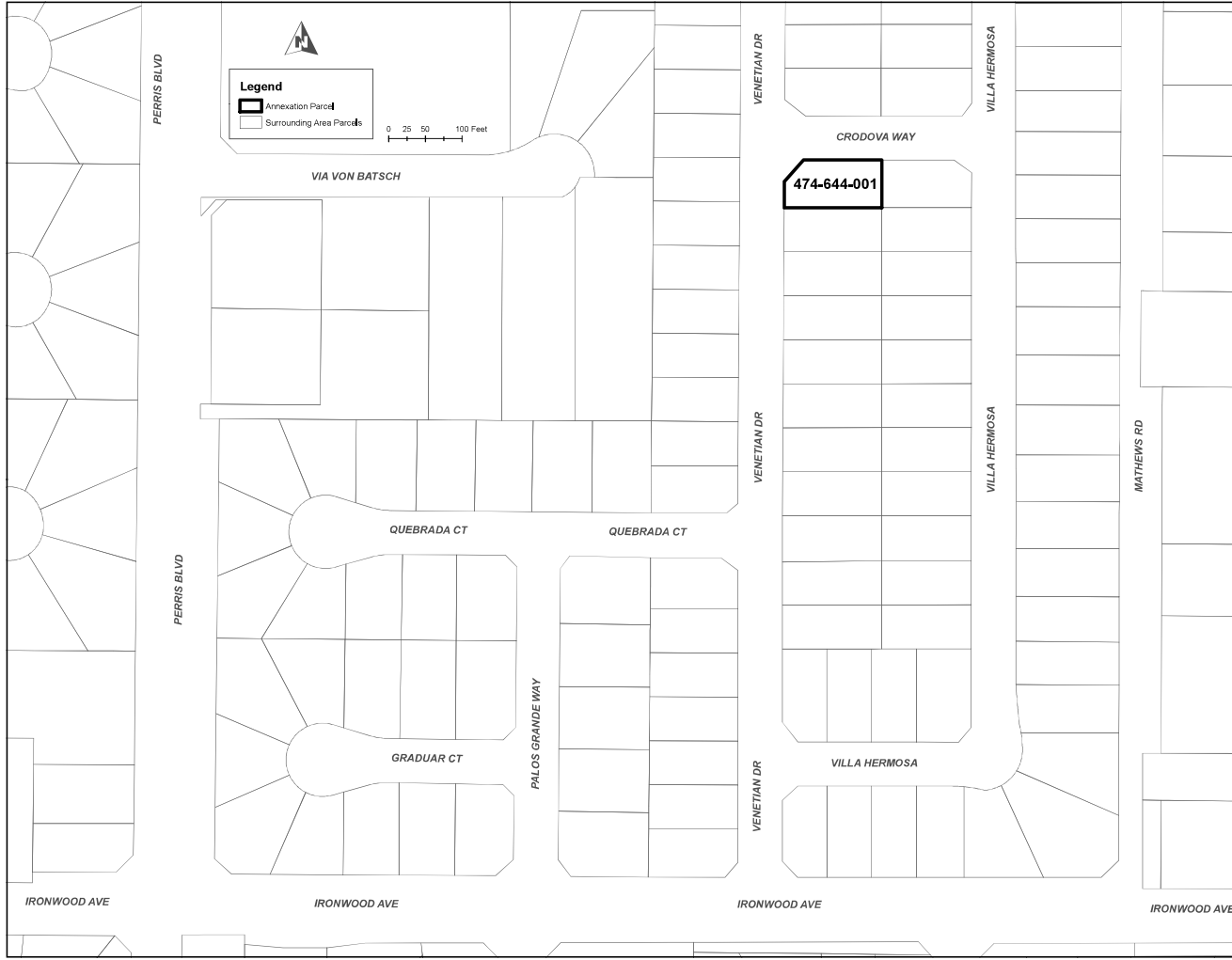
Legend
[Black outline] Annexation Parcel
[Grey outline] Surrounding Area Parcels
0 25 50 100 Feet

Attachment: Boundary Map - Amendment No. 102 (6329 : PURSUANT TO LANDOWNER PETITIONS,

AMENDMENT NO. 105 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE)

MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 95 IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS _____ DAY OF _____, 20____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 20____, BY ITS RESOLUTION NO. _____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

FILED THIS _____ DAY OF _____, 20____ AT THE HOUR OF _____ O'CLOCK _____ M. IN THE BOOK _____ PAGE(S) _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

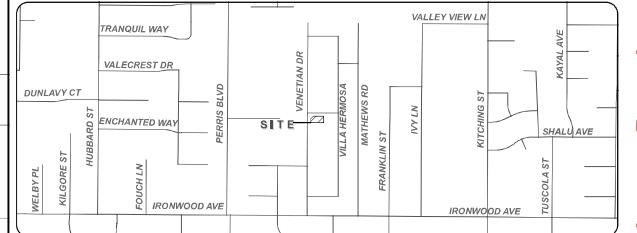
COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 95 AS INSTRUMENT NO. 2021-0280004.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 81 OF MAPS OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-0635742, WHICH DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCE THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



Source: Riverside County GIS
Geographic Coordinate Reference: GCS North American 1983
Projection: NAD 1983 StatePlane California VI FIPS 0406 Feet

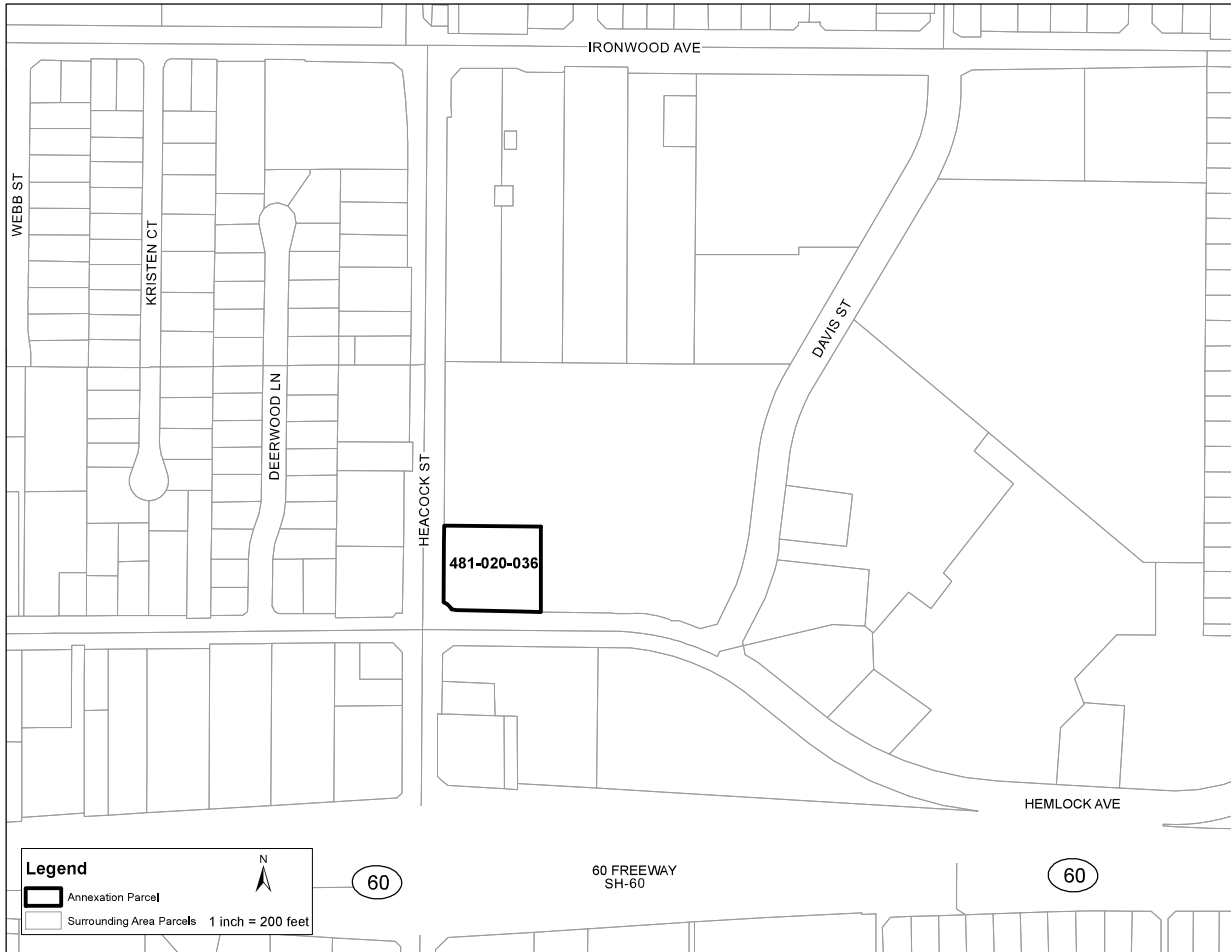


Attachment: Boundary Map - Amendment No. 105 (6329 : PURSUANT TO LANDOWNER PETITIONS,

AMENDMENT NO. 108 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE)

MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 95, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS ____ DAY OF ____, 20__.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE ____ DAY OF ____, 20__ BY ITS RESOLUTION NO. _____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

FILED THIS ____ DAY OF ____, 20__, AT THE HOUR OF ____ O'CLOCK ____ M. IN THE BOOK ____ PAGE(S) ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. ____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

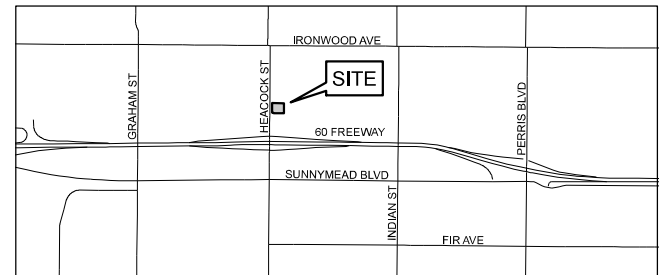
COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 95 AS INSTRUMENT NO. 2021-0280004.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-0635742 WHICH DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCED THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

VICINITY MAP



WILLDAN
27368 Via Industria, Suite 200
Temecula, CA 92590
(951) 587-3500

Attachment: Boundary Map - Amendment No. 108 (6329 : PURSUANT TO LANDOWNER PETITIONS,

AMENDMENT NO. 110 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE)

MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 95, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)



Legend

- Annexation Parcel
- Surrounding Area Parcels

1 inch = 100 feet

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS ____ DAY OF _____, 20__.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE ____ DAY OF _____, 20__ BY ITS RESOLUTION NO. _____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

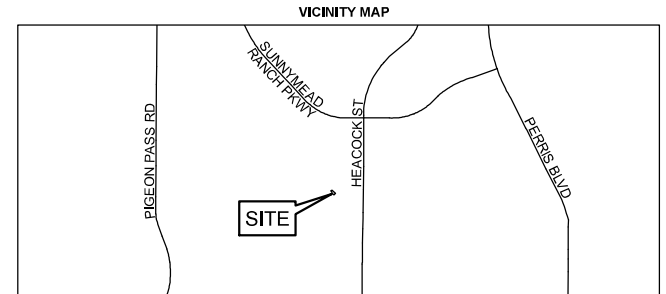
FILED THIS ____ DAY OF _____, 20__, AT THE HOUR OF ____ O'CLOCK ____ M. IN THE BOOK ____ PAGE(S) ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. ____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 95 AS INSTRUMENT NO. 2021-0280004.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-0635742 WHICH DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCED THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



WILLDAN
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Attachment: Boundary Map - Amendment No. 110 (6329 : PURSUANT TO LANDOWNER PETITIONS,

AMENDMENT NO. 111 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE)

MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 95, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS ____ DAY OF ____ 20__.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE ____ DAY OF ____ 20__ BY ITS RESOLUTION NO. ____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

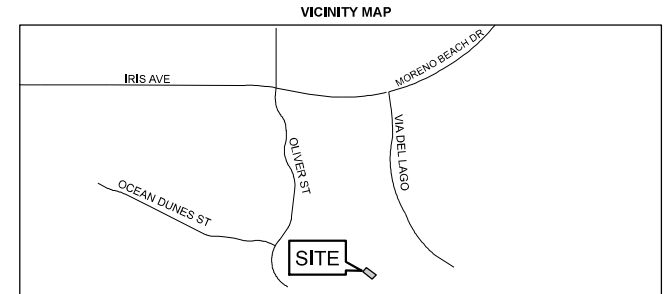
FILED THIS ____ DAY OF ____ 20__ AT THE HOUR OF ____ O'CLOCK ____ M. IN THE BOOK ____ PAGE(S) ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. ____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 95 AS INSTRUMENT NO. 2021-0280004.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-0635742 WHICH DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCED THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



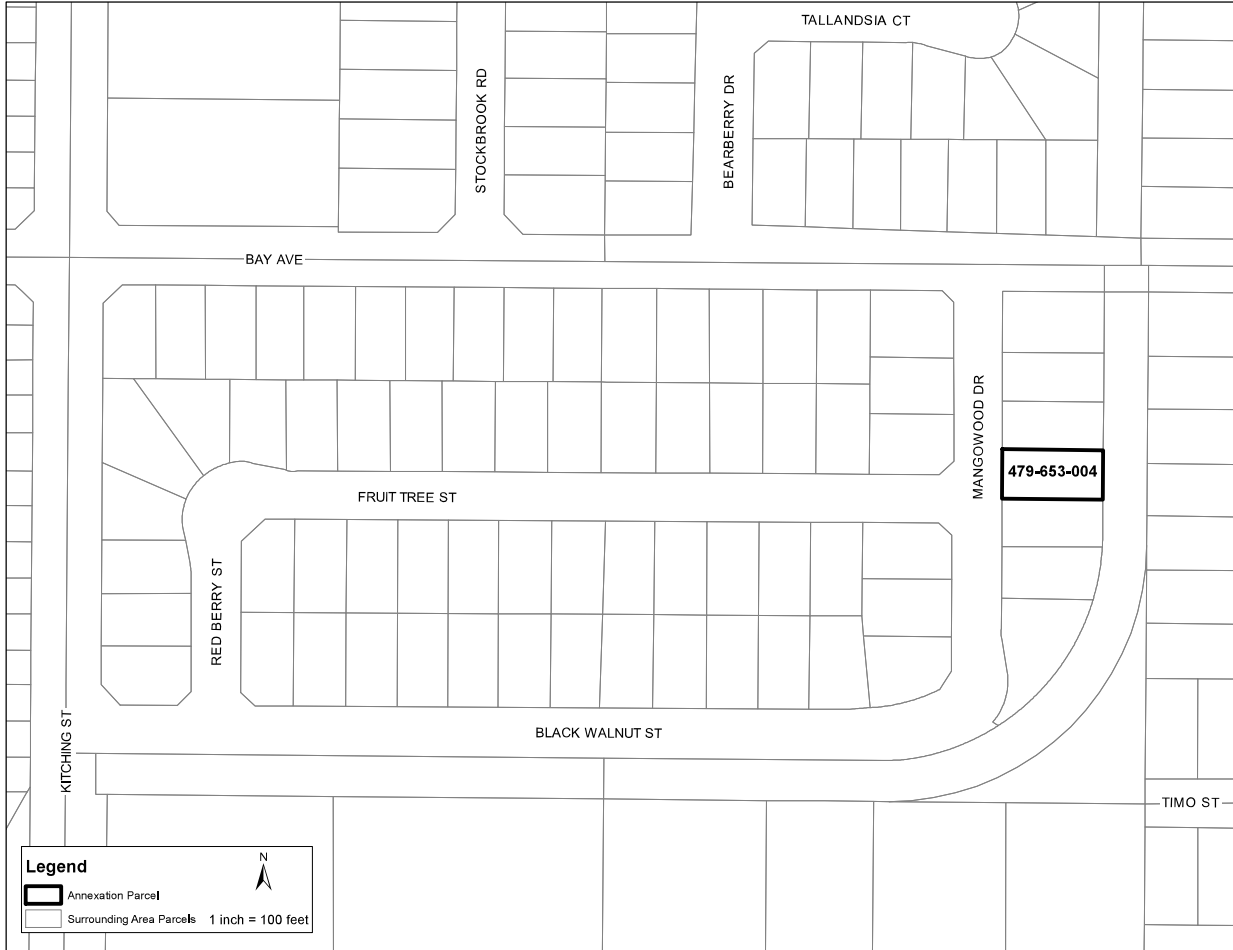
WILLDAN
27368 Via Industria, Suite 200
Temecula, CA 92290
(951) 857-3500

Attachment: Boundary Map - Amendment No. 111 (6329 : PURSUANT TO LANDOWNER PETITIONS,

AMENDMENT NO. 112 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE)

MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 95, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)



Legend

Annexation Parcel

Surrounding Area Parcels 1 inch = 100 feet

N

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS ____ DAY OF ____ 20__.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE ____ DAY OF ____ 20__ BY ITS RESOLUTION NO. ____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

FILED THIS ____ DAY OF ____ 20__, AT THE HOUR OF ____ O'CLOCK ____ M. IN THE BOOK ____ PAGE(S) ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. ____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

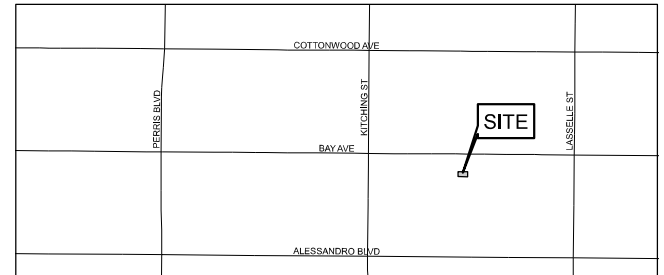
COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 95 AS INSTRUMENT NO. 2021-0280004.

REFERENCE IS FURTHER MADE TO ANNEXATION MAP NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA (TERRITORY PROPOSED FOR ANNEXATION IN THE FUTURE, WITH THE CONDITION THAT PARCELS WITHIN THAT TERRITORY MAY BE ANNEXED ONLY WITH THE UNANIMOUS APPROVAL OF THE OWNER OR OWNERS OF EACH PARCEL OR PARCELS AT THE TIME THAT PARCEL OR THOSE PARCELS ARE ANNEXED) RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON OCTOBER 27, 2021 IN BOOK 87, PAGE 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. 2021-0635742 WHICH DESIGNATED THE TERRITORY SHOWN HEREIN AS TERRITORY FOR FUTURE ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT REFERENCED THEREON.

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

VICINITY MAP



WILLDAN
27368 Via Industria, Suite 200
Temecula, CA 92590
(951) 687-3500

Attachment: Boundary Map - Amendment No. 112 (6329 : PURSUANT TO LANDOWNER PETITIONS,

AMENDMENT NO. 113 TO BOUNDARIES OF MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE)

MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

(THIS MAP AMENDS, BY ADDING THE ADDITIONAL TERRITORY SHOWN HEREON, THE BOUNDARY MAP FOR MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), CITY OF MORENO VALLEY, RIVERSIDE COUNTY, STATE OF CALIFORNIA, PRIOR RECORDED AT BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 95, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.)



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS ____ DAY OF ____ 20__.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE), OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE ____ DAY OF ____ 20__ BY ITS RESOLUTION NO. ____.

CITY CLERK OF THE CITY OF MORENO VALLEY, ACTING IN THE CAPACITY OF THE SECRETARY OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT

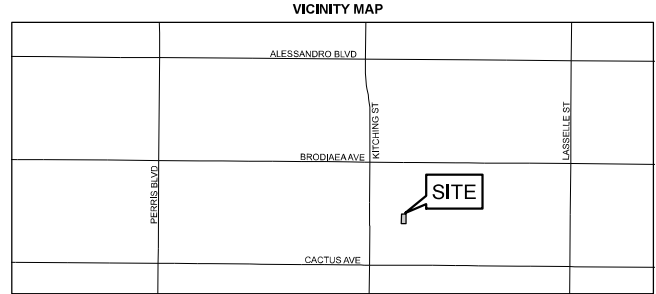
FILED THIS ____ DAY OF ____ 20__ AT THE HOUR OF ____ O'CLOCK ____ M. IN THE BOOK ____ PAGE(S) ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AS INSTRUMENT NO. ____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2021-01 (PARKS MAINTENANCE) OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON MAY 4, 2021 IN BOOK 86 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 95 AS INSTRUMENT NO. 2021-0280004.

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WILLDAN
27368 Via Industria, Suite 200
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(951) 557-3500

Attachment: Boundary Map - Amendment No. 113 (6329 : PURSUANT TO LANDOWNER PETITIONS,

**CERTIFICATE OF ELECTION OFFICIAL
AND CONFIRMATION OF LANDOWNER PETITION**

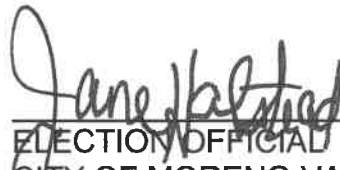
STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)

The undersigned, Election Official of the City of Moreno Valley, County of Riverside, State of California, Does Hereby Certify that on **August 14, 2023**, I did verify the completeness of the Landowner Petition for the annexation of property into:

COMMUNITY FACILITIES DISTRICT NO. 2021-01 OF THE
MORENO VALLEY COMMUNITY SERVICES DISTRICT
OF THE CITY OF MORENO VALLEY

AMENDMENT NO. 90

WITNESS my hand this 14th day of August 2023.



ELECTION OFFICIAL
CITY OF MORENO VALLEY
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 90 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS

**CERTIFICATE OF ELECTION OFFICIAL
AND CONFIRMATION OF LANDOWNER PETITION**

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

The undersigned, Election Official of the City of Moreno Valley, County of Riverside, State of California, Does Hereby Certify that on **August 7, 2023**, I did verify the completeness of the Landowner Petition for the annexation of property into:

COMMUNITY FACILITIES DISTRICT NO. 2021-01 OF THE
MORENO VALLEY COMMUNITY SERVICES DISTRICT
OF THE CITY OF MORENO VALLEY

AMENDMENT NO. 93

WITNESS my hand this 7th day of August 2023.



ELECTION OFFICIAL
CITY OF MORENO VALLEY
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 93 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS

**CERTIFICATE OF ELECTION OFFICIAL
AND CONFIRMATION OF LANDOWNER PETITION**

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

The undersigned, Election Official of the City of Moreno Valley, County of Riverside, State of California, Does Hereby Certify that on **July 6, 2023**, I did verify the completeness of the Landowner Petition for the annexation of property into:

COMMUNITY FACILITIES DISTRICT NO. 2021-01 OF THE
MORENO VALLEY COMMUNITY SERVICES DISTRICT
OF THE CITY OF MORENO VALLEY

AMENDMENT NO. 100

WITNESS my hand this 6th day of July 2023.



ELECTION OFFICIAL
CITY OF MORENO VALLEY
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 100 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS

**CERTIFICATE OF ELECTION OFFICIAL
AND CONFIRMATION OF LANDOWNER PETITION**

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

The undersigned, Election Official of the City of Moreno Valley, County of Riverside, State of California, Does Hereby Certify that on **August 14, 2023**, I did verify the completeness of the Landowner Petition for the annexation of property into:

COMMUNITY FACILITIES DISTRICT NO. 2021-01 OF THE
MORENO VALLEY COMMUNITY SERVICES DISTRICT
OF THE CITY OF MORENO VALLEY

AMENDMENT NO. 102

WITNESS my hand this 14th day of August 2023.



ELECTION OFFICIAL
CITY OF MORENO VALLEY
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 102 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS

**CERTIFICATE OF ELECTION OFFICIAL
AND CONFIRMATION OF LANDOWNER PETITION**

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

The undersigned, Election Official of the City of Moreno Valley, County of Riverside, State of California, Does Hereby Certify that on **July 25, 2023**, I did verify the completeness of the Landowner Petition for the annexation of property into:

COMMUNITY FACILITIES DISTRICT NO. 2021-01 OF THE
MORENO VALLEY COMMUNITY SERVICES DISTRICT
OF THE CITY OF MORENO VALLEY

AMENDMENT NO. 105

WITNESS my hand this 25th day of July, 2023.



ELECTION OFFICIAL
CITY OF MORENO VALLEY
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 105 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS

**CERTIFICATE OF ELECTION OFFICIAL
AND CONFIRMATION OF LANDOWNER PETITION**


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

The undersigned, Election Official of the City of Moreno Valley, County of Riverside, State of California, Does Hereby Certify that on **August 7, 2023**, I did verify the completeness of the Landowner Petition for the annexation of property into:

COMMUNITY FACILITIES DISTRICT NO. 2021-01 OF THE
MORENO VALLEY COMMUNITY SERVICES DISTRICT
OF THE CITY OF MORENO VALLEY

AMENDMENT NO. 108

WITNESS my hand this 7th day of August 2023.



ELECTION OFFICIAL
CITY OF MORENO VALLEY
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 108 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS

**CERTIFICATE OF ELECTION OFFICIAL
AND CONFIRMATION OF LANDOWNER PETITION**


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

The undersigned, Election Official of the City of Moreno Valley, County of Riverside, State of California, Does Hereby Certify that on **August 15, 2023**, I did verify the completeness of the Landowner Petition for the annexation of property into:

COMMUNITY FACILITIES DISTRICT NO. 2021-01 OF THE
MORENO VALLEY COMMUNITY SERVICES DISTRICT
OF THE CITY OF MORENO VALLEY

AMENDMENT NO. 110

WITNESS my hand this 15th day of August 2023.



ELECTION OFFICIAL
CITY OF MORENO VALLEY
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 110 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS

**CERTIFICATE OF ELECTION OFFICIAL
AND CONFIRMATION OF LANDOWNER PETITION**


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

The undersigned, Election Official of the City of Moreno Valley, County of Riverside, State of California, Does Hereby Certify that on **August 21, 2023**, I did verify the completeness of the Landowner Petition for the annexation of property into:

COMMUNITY FACILITIES DISTRICT NO. 2021-01 OF THE
MORENO VALLEY COMMUNITY SERVICES DISTRICT
OF THE CITY OF MORENO VALLEY

AMENDMENT NO. 111

WITNESS my hand this 21st day of August, 2023.



ELECTION OFFICIAL
CITY OF MORENO VALLEY
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 111 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS

**CERTIFICATE OF ELECTION OFFICIAL
AND CONFIRMATION OF LANDOWNER PETITION**


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

The undersigned, Election Official of the City of Moreno Valley, County of Riverside, State of California, Does Hereby Certify that on **August 21, 2023**, I did verify the completeness of the Landowner Petition for the annexation of property into:

COMMUNITY FACILITIES DISTRICT NO. 2021-01 OF THE
MORENO VALLEY COMMUNITY SERVICES DISTRICT
OF THE CITY OF MORENO VALLEY

AMENDMENT NO. 112

WITNESS my hand this 21st day of August, 2023.



ELECTION OFFICIAL
CITY OF MORENO VALLEY
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 112 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS

**CERTIFICATE OF ELECTION OFFICIAL
AND CONFIRMATION OF LANDOWNER PETITION**


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

The undersigned, Election Official of the City of Moreno Valley, County of Riverside, State of California, Does Hereby Certify that on **August 21, 2023**, I did verify the completeness of the Landowner Petition for the annexation of property into:

COMMUNITY FACILITIES DISTRICT NO. 2021-01 OF THE
MORENO VALLEY COMMUNITY SERVICES DISTRICT
OF THE CITY OF MORENO VALLEY

AMENDMENT NO. 113

WITNESS my hand this 21st day of August, 2023.



ELECTION OFFICIAL
CITY OF MORENO VALLEY
STATE OF CALIFORNIA

Attachment: Certificate of Election Official - Amendment No. 113 (6329 : PURSUANT TO LANDOWNER PETITIONS, ANNEX CERTAIN PARCELS



Report to City Council

TO: Mayor and City Council

FROM: Sean P. Kelleher, Community Development Director

AGENDA DATE: September 5, 2023

TITLE: GATEWAY HEIGHTS 108 UNIT CONDOMINIUM PROJECT

RECOMMENDED ACTION

Recommendations: That the City Council:

1. **ADOPT** Resolution 2023-XX:
 1. **CERTIFYING** the Initial Study/Mitigated Negative Declaration prepared for the Proposed Project consisting of General Plan Amendment (PEN20-0095), Change of Zone (PEN20-0096), Tentative Tract Map 38459 (PEN22-0127) and Conditional Use Permit (PEN21-0066); and
 2. **ADOPTING** the Mitigation Monitoring and Reporting Program prepared for the Mitigated Negative Declaration; and
2. **ADOPT** Resolution 2023-XX:
 1. **APPROVING** General Plan Amendment (PEN20-0095), Change of Zone (PEN20-0096), Tentative Tract Map 38459 (PEN22-0127) and Conditional Use Permit (PEN21-0066); and
3. **INTRODUCE** Ordinance No. [next in order]:
 1. Approving Change of Zone (PEN20-0096) and corresponding amendment to the City's Zoning Atlas.

SUMMARY

Staff recommends approving the Proposed Project consisting of General Plan Amendment (PEN20-0095), Change of Zone (PEN20-0096), Tentative Tract Map 38459 (PEN22-0127), and Conditional Use Permit (PEN21-0066), for the development of a 108-unit townhouse condominium project and associated amenities and public

improvements.

DISCUSSION

The Proposed Project was considered by the Planning Commission at a duly noticed public hearing conducted on June 8, 2023, and the Planning Commission voted unanimously 4-0 to certify and approve the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approved General Plan Amendment (PEN20-0095), Change of Zone (PEN20-0096), Tentative Tract Map 38459 (PEN22-0127), and Conditional Use Permit (PEN21-0066) for the Proposed Project.

Proposed Project

The Proposed Project consists of a General Plan Amendment to change the existing land use designation to Residential 10 and Parks/Open Space with a Change of Zone to change the zoning designation to Residential 10 (R10) District and Open Space (OS) District, as well as a Conditional Use Permit (CUP) for a Planned Unit Development (PUD) and a Tentative Tract Map (TTM) to develop a 108 unit townhouse condominium project, on a 16.59-acre portion of 32.56-acre Project Site.

The 15.97-acre remainder parcel will either be granted to the County of Riverside by the applicant to become part of the Box Springs Mountain Reserve or will be maintained by the Homeowners Association as natural open space. Additionally, the project, as designed, will incorporate a 0.89-acre park which will also be maintained by the Homeowners Association, but will permit public access. The project will also construct a portion of a County Flood Control Master Planned Culvert (Master Drainage Plan Line-B) as well as other on-site and off-site improvements.

General Plan Amendment

A General Plan Amendment (GPA) application was submitted to change the land use designation of the Project Site from R2 Residential and Hillside Residential to R10 Residential and Parks/Open Space. The R10 land use designation is intended to provide for a variety of residential products and encourage innovation in housing types with amenities not generally found in suburban subdivisions, such as common open spaces and recreational areas. The primary purpose of areas designated Parks/Open Space is to provide areas that are substantially unimproved, including, but not limited to, areas for outdoor recreation and the preservation of natural resources. The proposed General Plan Designations allow for the Proposed Project to be constructed on a 16.59-acre portion of the 32.56-acre Project Site while retaining the remainder of the Project Site as Open Space.

Change of Zone

A Change of Zone (CZ) application was submitted to rezone the Project Site from Residential 2 (R2) District and Hillside Residential (HR) District to Residential 10 (R10) District and Open Space (OS) District. Under the Proposed Project's current Residential (R2) District, a maximum of 2.0 units per gross acre is allowed. To obtain the desired

number of units, a change of zone is required to rezone the Project Site to Residential 10 (R10) District, which allows up to 10.0 units per gross acre.

Conditional Use Permit for a Planned Unit Development

The applicant proposes a Conditional Use Permit for a Planned Unit Development (PUD) to allow for flexible standards to address the unique characteristics of the Project Site. The PUD document (graphics and text) prepared for the Proposed Project will establish the land use regulations, development standards, and design guidelines for the tract, including the dedication of permanent open space.

The PUD document also provides guidelines for architectural themes for the townhomes that meet or exceed City-wide design standards in the Municipal Code. All development within the tract must meet the standards stated in the PUD, including plotting, setbacks, open space areas, and architecture. Additionally, the PUD provides design guidance for community entrances and perimeter fencing around the community and around the drainage areas.

Tentative Tract Map

Tentative Tract Map No. 38459 will subdivide the 32.56 gross acres of vacant and unimproved land into one 16.59-acre (common-area) lot for 108 condominium units, and one 15.97-acre “remainder” lot for public open space. The Tentative Map would also create the interior private loop streets and dedicate the 0.89-acre park site. All on-site streets and drainage facilities will be maintained lots by the Homeowners Association (HOA).

Site/Surrounding Area

The 32.56-acre Project Site is a vacant and unimproved pie-shaped hillside lot located on the east side of Morton Road at the northwestern City boundary. To the north, properties are located within unincorporated Riverside County and are part of the Box Springs Mountain Reserve. Properties to the east are vacant and located within the Hillside Residential (HR) District. Properties to the west are also located within unincorporated Riverside County and are designated as “Gateway Center” Specific Plan. Properties to the south are located within the Residential 5 (R5) District and Hillside Residential (HR) District and are generally developed with single-family homes.

Access/Parking

The Proposed Project’s access will be provided by Morton Road with a private loop road serving the units. The Proposed Project has been designed to exceed the minimum parking requirements, providing a two-car garage for each unit, as well as 50 guest parking spaces along the private streets.

Design/Landscaping

The PUD guidelines for the proposed development will include two elevation styles: Santa Barbara and Modern Farmhouse. Each building style will have three color combinations to provide interest among the housing types.

The PUD includes typical configurations for the new homes and common area landscaping. The HOA will maintain all common area landscaping in an effort to maintain a consistent well-maintained appearance of the streetscapes within the community. The Proposed Project also includes a 0.89-acre park that will primarily serve the local neighborhood, including adjoining developed residential areas.

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 Psomas, in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study examined the potential impacts of the Proposed Project on the environment. The Initial Study/Mitigated Negative Declaration (IS/MND) serves as the appropriate CEQA documentation for the Proposed Project. With the implementation of the proposed mitigation measures, the Proposed Project will not have a significant effect on the environment. Technical studies prepared in support of the IS/MND include the following: Air Quality Calculations, Biological Resources Report, Jurisdictional Delineation, Rare Plant Survey Report, Burrowing Owl Survey Report, and Determination of Biologically Equivalent or Superior Preservation (DBESP) Report, Cultural Reports, Energy Calculations, Geotechnical Report, Slope Stability Report, EDR Radius Map Report, Preliminary Drainage Report, Project Specific Water Quality Management Report, Planned Unit Development, Traffic Impact Analysis, and Fire Hazard Analysis and Approach. Copies of the appendices to the IS/MND can be accessed from the link attached to this staff report. The documents can be reviewed at City Hall during operating hours.

Mitigation measures are recommended for the Proposed Project in the following areas: Aesthetics, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Public Resources, and Tribal Cultural Resources, all of which are incorporated into the Mitigation Monitoring and Report Program (MMRP). The measures for cultural resources have been included to address input from the Tribal governments. The measures are intended to ensure that potential resources that might be discovered are protected. However, these measures are not required to address a known significant impact. Based on the Initial Study and the proposed mitigation measures, the Proposed Project will not cause any significant impacts to the environment. In response to comments received from the California Department of Fish and Wildlife, mitigation measures have been slightly modified. These modifications do

not result in a substantial change that would require recirculation of the environmental document.

The public comment period for the Notice of Availability of the Initial Study/Mitigated Negative Declaration began on March 2, 2023, and ended on March 31, 2023, (State Clearing House Number 2023020680), which satisfies the required 30-day review period required for this project.

ALTERNATIVES

1. Certify and approve the Initial Study/Mitigated Negative Declaration and the Mitigated Monitoring and Reporting Program, and approve the Proposed Project. *(Staff recommends this alternative.)*
2. Deny the Proposed Project. *(Staff does not recommend this alternative.)*

FISCAL IMPACT

The Development of the proposed project will result in an increase in property taxes received by the City. Additionally, the project will construct a portion of a County Flood Control Master Planned Culvert (Master Drainage Plan Line-B) and an 0.89-acre park within the development that will be owned and maintained by the Master Homeowners Association, and open to the general public for use.

NOTIFICATION

Consistent with the 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.

PREPARATION OF STAFF REPORT

Prepared By:
Kirt Coury
Contract Planner

Department Head Approval:
Sean P. Kelleher
Community Development Director

CITY COUNCIL GOALS

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. 2023-XX - Initial Study
- 2. Exhibit A to Resolution No. 2023-XX - Initial Study
- 3. Appendices A-G
- 4. Appendices H-L
- 5. Exhibit B to Resolution No. 2023-XX - Notice of Intent to Adopt a Mitigated Negative Declaration
- 6. Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program
- 7. Resolution No. 2023-XX - General Plan Amendment, Conditional Use Permit, Tentative Tract Map
- 8. Ordinance No. XXX - Gateway Heights
- 9. Gateway Heights PUD - 1 of 3
- 10. Gateway Heights PUD - 2 of 3
- 11. Gateway Heights PUD - 3 of 3
- 12. Project Plans
- 13. Aerial Map
- 14. Planning Commission Staff Report
- 15. Public Comments Presented to Planning Commission on June 8, 2023
- 16. Public Comment for City Council

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	8/27/23 9:42 AM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	8/28/23 8:41 AM

RESOLUTION NUMBER 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING AND ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR A GENERAL PLAN AMENDMENT (PEN20-0095), CHANGE OF ZONE (PEN20-0096), CONDITIONAL USE PERMIT (PEN21-0066) AND TENTATIVE TRACT MAP 38459 (PEN22-0127) FOR THE DEVELOPMENT OF A 108-UNIT TOWNHOUSE CONDOMINIUM PROJECT

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

WHEREAS, HengHou Group (“Applicant”) has submitted applications for the approval of General Plan Amendment (PEN20-0095), Change of Zone (PEN20-0096) Conditional Use Permit (PEN21-0066) and Tentative Tract Map 38459 (PEN22-0127) for the development of a 108-unit detached townhouse condominium Planned Unit Development on 32.56-acres, with associated amenities and public improvements (“Proposed Project”) located on the east side of Morton Road, approximately 300 feet north of Jennings Court (APN 256-150-001) (“Project Site”); and

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

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration was duly noticed and circulated for public review for a period of 30 days commencing on March 2, 2023, through March 31, 2023; and

WHEREAS, in compliance with CEQA and the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (“MMRP”) that includes 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 June 8, 2023, a public hearing was conducted by the Planning Commission and the Planning Commission approved Planning Commission Resolution No. 2023-22, recommending that the City Council certify and approve the Initial

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approve the Proposed Project; and

WHEREAS, on September 5, 2023, a public hearing was conducted by the City Council to consider the Mitigated Negative Declaration and, Mitigation Monitoring and Reporting Program, and the Proposed Project; and

WHEREAS, at the conclusion of the September 5, 2023, public hearing, in the exercise of its own independent judgment, the City Council determine that the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program will reduce the environmental impacts of the Proposed Project to levels of insignificance and that there is no substantial evidence supporting a fair argument that the Proposed Project will have a significant effect on the environment.

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 for the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, 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 and Newspaper Notice, attached hereto as Exhibit B;
- (c) Mitigation Monitoring and Reporting Program, attached hereto as Exhibit C;
- (d) Staff Report prepared for the Planning Commission's consideration and all documents, records, and references related thereto, and Staff's presentation at the public hearing;
- (e) Testimony, comments, and correspondence from all persons that were provided at, or prior to, the June 8, 2023, Planning Commission public hearing;
- (f) Planning Commission Resolution No. 2023-22, recommending that the City Council certify and approve the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approve the Proposed Project;
- (g) Staff Report prepared for the City Council's consideration and all documents, records, and references related thereto, and Staff's presentation at the September 5, 2023, public hearing; and
- (h) Testimony, comments, and correspondence from all persons that were provided at, or prior to, the City Council September 5, 2023, public hearing.

2

Resolution No. 2023-XX

Date:

Section 3. Findings

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

- (a) That the City Council and the City as Lead Agency has independently reviewed, analyzed, and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and the whole record before it, including, the Initial Study and comments received; and
- (b) That the proposed mitigation measures will reduce all environmental impacts of the Proposed Project 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; and
- (c) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been completed in compliance with CEQA and the CEQA Guidelines consistent the City's Rules and Procedures for the Implementation of the California Environmental Quality Act; and
- (d) That the Mitigated Negative Declaration/Initial Study and Mitigation Monitoring and Reporting Program reflect the independent judgment and analysis of the City Council and the City as Lead agency for the Proposed Project; and
- (e) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are adequate to serve as the required CEQA environmental documentation for the Proposed Project.

Section 4. Adoption

That based on the foregoing Recitals, Evidence and Findings, the City Council hereby certifies and adopts the Mitigated Negative Declaration/Initial Study attached hereto as Exhibit A and the Mitigation Monitoring and Reporting Program attached hereto as Exhibit C.

Section 5. Repeal of Conflicting Provisions

That all the provisions as heretofore adopted by the 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 City Clerk for the City Council shall certify to the passage of this Resolution.

PASSED AND ADOPTED THIS 5th day of September 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, City Attorney

Exhibits:

Exhibit A: Mitigated Negative Declaration/Initial Study

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

Exhibit C: Mitigation Monitoring Plan

Attachment: Resolution No. 2023-XX - Initial Study [Revision 2] (6350 : Gateway Heights Tract 38459)

Exhibit B

Notice of Intent to Adopt a Mitigated Negative Declaration/Newspaper Notice

**CITY OF MORENO VALLEY
NOTICE OF INTENT TO ADOPT A
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 (PEN20-0095)
Change of Zone (PEN20-0096);
Conditional Use Permit for a Planned Unit Development (PEN21-0066), and
Tentative Tract Map No. 38459 (PEN22-0127)

Applicant: HengHou Group
Owner: Shizao Zheng
Representative: Jason Ackerman

Location: East side of Morton Road approximately 300 feet north of Jennings Court. (APN: 256-150-001)
Proposal: To allow construction of a 108-unit detached townhouse Planned Unit Development with private streets, a 0.89-acre community park, and common area improvements on a 16.59-acre portion of 32.56 acres of vacant land.

Council District: 2

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 Project consists of the following entitlements: General Plan Amendment (PEN20-0095) from “R2 Residential” and “Hillside Residential” to “R10 Residential” and “Open Space”; Change of Zone (PEN20-0096) from Residential 2 (R2) District and Hillside Residential (HR) District to Residential 10 (R10) District and Open Space (OS) District; Conditional Use Permit (PEN21-0066) to establish flexible standards using the Planned Unit Development regulations for a new 108-unit detached townhouse condominium development with a 0.89-acre community park; Tentative Tract Map No. 38459 will subdivide the 32.56 gross acres of vacant land into a 16.59-acre common-area lot with 108 air space parcels for condominium purposes and a public park and a 15.97-acre remainder open-space lot.

The Project site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Document Availability: The Initial Study/Mitigated Negative Declaration, and all documents incorporated and/or referenced therein, can be reviewed during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and Friday, 7:30 a.m. to 4:30 p.m.) at the City of Moreno Valley Planning Division counter, located at 14177 Frederick Street, Moreno Valley, CA 92553. The documents may also be reviewed on the City’s website at <http://www.moreno-valley.ca.us/cdd/documents/about-projects.html>.

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

Comment Deadline: Pursuant to Section 15105(b) of the CEQA Guidelines, the City has established a 30-day public review period for the Initial Study/Mitigated Negative Declaration, which begins March 2, 2023 and ends March 31, 2023. 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 30-day review period, 5:30 p.m. on March 31, 2023. Written comments on the Initial Study/Mitigated Negative Declaration should be addressed to:

Luis Lopez, Contract Planner
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552
Phone: (951) 413-3206
Email: luisl@moval.org

Press-Enterprise
Newspaper

March 2, 2023
Date of Publication

Sean P. Kelleher
Planning Official
Community Development Department

Attachment: Exhibit B to Resolution No. 2023-XX - Notice of Intent to Adopt a Mitigated Negative Declaration (6350 : Gateway Heights Tract

Exhibit C

Mitigation Monitoring and Reporting Program

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
Aesthetics			
<p>RR AES-1: The Developer shall prepare a Lighting Plan that provides the type and location of proposed exterior lighting and signage, subject to the review and approval of the City's Development Services Department. All new lighting shall be shielded and down-cast, such that the light is not cast onto adjacent properties or visible from above. Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct and indirect night lighting. Prior to approval of the Final Design, an analysis of potential impacts from light and glare from interior and exterior building lighting, safety and security lighting, and vehicular traffic accessing the site shall be submitted to the City for review and approval. This analysis shall demonstrate that due to shielded and directional lighting in compliance with Mt. Palomar lighting standards, no lighting shall be introduced into the adjacent Conservation Area. If potential lighting impacts are identified, the lighting design (placement, light spectrum, and shielding), or other design solutions acceptable to the City of Moreno Valley shall be implemented to eliminate lighting impacts on the adjacent Conservation Areas. Shielding, including Turtle Bay type LED lighting, shall be incorporated into Project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased. The Lighting Plan shall include monitoring during construction and post-project to demonstrate lighting levels do not increase in the Conservation Area. If light standards are exceeded, the Project Applicant is responsible for immediate implementation of remedial actions to reduce light levels to acceptable levels identified in the Lighting Plan.</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>	

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
Biological Resources			
<p>RR BIO-1: The Developer shall obtain a tree removal permit from the City, if fuel modification, grading, or other improvements require removal of any heritage trees. The Developer would incorporate mitigation trees, replacing removed heritage trees, resulting from a tree removal permit into the Project's final landscape plan.</p>	<p>Prior to Construction</p>	<p>City's Development Services Department</p>	
<p>MM BIO-1: To maintain compliance with the Migratory Bird Treaty Act (MBTA and California Fish and Game Code Sections 3503, 3503.5, and 3513, site preparation activities (ground disturbance, construction activities, staging equipment, and/or vegetation removal activities for the project shall be avoided, to the greatest extent possible, during the nesting bird season. If ground disturbing and/or vegetation clearance activities are scheduled to occur during the avian nesting season, a pre- construction nesting bird survey shall be conducted by a qualified biologist within the Project Site and a 500-foot buffer around the Project Site. Surveys shall be conducted within 3 days prior to initiation of activity and shall be conducted between dawn and noon. The survey results shall be provided to the City's Planning Department. The Project Applicant shall adhere to the following:</p> <ol style="list-style-type: none"> 1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures. 	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>	

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.</p> <p>If nesting birds are not found within the project site, site preparation and construction activities may begin during the nesting/breeding season. If nesting birds (including nesting raptors are detected, then avoidance or minimization measures shall be undertaken in consultation with the City of Moreno Valley and California Department of Fish and Wildlife. Measures shall include immediate establishment of an avoidance buffers shall be implemented as determined by a qualified biologist and approved by the City of Moreno Valley, based on their best professional judgement and experience. The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. The buffer around the nest shall be delineated and flagged, and no construction activity shall occur within the buffer area until a qualified biologist determines nesting species have fledged and the nest is no longer active or the nest has failed. The biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the biologist determines that such project activities may be causing an adverse reaction, the biologist shall adjust the buffer accordingly or</p>			

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers will be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). All nests shall be monitored as determined by the qualified biologist until nestlings have fledged and dispersed or it is otherwise confirmed that the nest has been unsuccessful or abandoned. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to City of Moreno Valley Planning Division for mitigation monitoring compliance record keeping.</p>			
<p>MM BIO-2: To avoid project-related impacts to burrowing owls potentially occurring on or in the vicinity of the project site, the Developer shall have a qualified biologist conduct a project-specific habitat assessments and pre-construction survey for burrowing owl in accordance with the March 2006 Burrowing Owl Survey Instructions for the Western Riverside County Multiple Species Habitat Conservation Plan Area. This survey shall occur within 30 days prior to ground-disturbance activities (e.g., vegetation clearing, clearing, and grubbing, tree removal, site watering) within those portions of the project site containing suitable burrowing owl habitat. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre- construction survey, the area shall be resurveyed for owls. The results of the survey should be submitted to the City and California Department of Fish and Wildlife within three days of survey completion. In addition, a preconstruction survey for burrowing owl shall be conducted within 3 days prior to initiation of Project activities and reported to CDFW as described above.</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>	

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>If no burrowing owls are observed during the survey, site preparation and construction activities may begin. If burrowing owl are present within the survey area, then avoidance or minimization measures shall be undertaken in consultation with the City of Moreno Valley, California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS). CDFW shall be sent written notification within 48 hours of detection of burrowing owls. If active nests are identified on the Project site, the Project applicant shall not commence activities until it can be determined that the burrows are not being used by adult or juvenile owls or following CDFW approval of a Burrowing Owl Plan as described below. If owl presence is difficult to determine, a qualified biologist shall monitor the burrows with motion-activated trail cameras for at least 24 hours to evaluate burrow occupancy. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan.</p> <p>The qualified biologist and Project Applicant shall coordinate with the City, CDFW, and USFWS to develop a Burrowing Owl Plan to be approved by the City, CDFW, and USFWS prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, relocation, monitoring, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the habitat characteristics of the proposed relocation site, creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The City shall implement the Burrowing Owl Plan</p>			

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>following CDFW and USFWS review and approval.</p> <p>If burrowing owls are observed within Project Site(s) during Project implementation and construction, the Project applicant shall notify CDFW immediately in writing within 72 hours of detection. A Burrowing Owl Plan shall be submitted to CDFW for review and approval within two weeks of detection and no Project activity shall continue within 1000 feet of the burrowing owls until CDFW approves the Burrowing Owl Plan. The City shall be responsible for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Plan.</p> <p>A final report shall be prepared by the qualified biologist documenting the results of the burrowing owl surveys and detailing avoidance, minimization, and mitigation measures. The final report shall be submitted to the City and CDFW within 30 days of completion of the survey and burrowing monitoring for mitigation monitoring compliance record keeping.</p>			
<p>MM BIO-3: For all features identified as jurisdictional that cannot be avoided, the Developer shall obtain permits from the respective agencies prior to the initiation of construction activities. These permits include a Clean Water Act (CWA) Section 404 permit from the USACE, a CWA Section 401 water quality certification from the Regional Water Quality Control Board, and a CDFW Section 1602 Notification of Lake or Streambed Alteration.</p> <p>The Developer shall implement and comply with all measures required by the jurisdictional permits. Mitigation for the loss of jurisdictional resources shall be negotiated with the resource agencies (US Army Corps of Engineers, Regional Water Quality Control Board, and California</p>	<p>Prior to Construction</p>	<p>Developer/Respective Agencies</p>	

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
Department of Fish and Wildlife) during the regulatory permitting process.			
<p>MM BIO-4: To ensure long-term conservation of avoided riparian/riverine resources the Project Applicant will record a deed restriction, conservation easement, or other appropriate mechanisms over avoided riparian/riverine resources on the Project Site. The recorded realty instrument shall be provided to the City prior to grading.</p> <p>The Applicant proposes to compensate for impacts to MSHCP riparian/riverine areas by providing a 1:1 ratio of reestablishment or a 2:1 ratio of rehabilitation credits at Riverpark Mitigation Bank. If credits at Riverpark Mitigation Bank are not available prior to grading, the Developer shall compensate for impacts to jurisdictional waters and riparian/riverine areas by providing a 31:1 ratio of offsite land within the Santa Ana Watershed to be acquired for the purpose of In-Perpetuity Preservation, or through the purchase of mitigation credits at an established off-site Mitigation Bank in Western Riverside County. Mitigation proposed on land acquired for the purpose of in-perpetuity mitigation that is not part of an agency-approved mitigation bank or in-lieu fee program shall include the preservation, creation, restoration, and/or enhancement of similar habitat within the Santa Ana Watershed pursuant to a Habitat Mitigation and Monitoring Plan (HMMP) to be approved by the Lead and Responsible agencies. The HMMP shall be prepared prior to any impacts, and it shall provide details as to the implementation of mitigation, maintenance, future monitoring, and management. The goal of the mitigation shall be to preserve, create, restore, and/or enhance similar habitat with equal or greater function and value than the affected habitat.</p>	Prior to commencing ground- or vegetation disturbing activities	Project Proponent	

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>MM BIO-5: The Developer shall pay the applicable MSHCP Development Mitigation Fee prior to initiation of grading activities.</p>	<p>Prior to Initiation of Grading Activities</p>	<p>Developer</p>	
<p>MM BIO-6: The following avoidance and minimization measures shall be implemented during Project construction activities:</p> <ul style="list-style-type: none"> • Construction limits along the northern and eastern boundaries of the Project shall be clearly marked so that adjacent native vegetation is avoided. • Staging and storage areas for spoils, equipment, materials, fuels, lubricants, and solvents shall be located within the designated impact area or adjacent developed areas. • A Stormwater Pollution Prevention Plan shall be developed and implemented. • Invasives: Invasive species identified in Table 6-2 of the MSHCP shall not be used in development landscape plans or restoration plan activities. • Construction-related and long-term Project operation noise shall not exceed 65 dBA Leq in the adjacent MSHCP Criteria Cell. Prior to issuance of land development permits, including clearing or grubbing and grading and/or construction permits for areas within or adjacent to the MSHCP Criteria Cell, the applicant shall prepare and submit to the satisfaction of the City, an acoustical analysis to demonstrate that the 65 dBA Leq noise level is not exceeded in the Criteria Cell. The acoustical analysis shall describe the methods by which construction noise shall not exceed 65 dBA Leq 	<p>Ongoing During Construction</p>	<p>Developer/Qualified Biologist</p>	

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>and how noise levels will be monitored during construction and for the life of the project. Noise abatement methods may include, but are not limited to, reoperation of specific construction activities, installation of noise abatement at the source, and/or installation of noise abatement at the receiving areas.</p> <ul style="list-style-type: none"> Noise Plan: Prior to approval of the Final Design, a Noise plan shall be submitted to the City of Moreno Valley for review and approval. The Noise Plan shall identify noise generating land uses that may affecting the MSHCP Conservation Area and shall incorporate setbacks, berms or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. The MSHCP identifies that Project noise impacts do not exceed the residential standards within the Conservation Areas. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards. The Noise Plan shall include monitoring during construction and post-project to demonstrate noise levels in the Conservation Area do not exceed residential standards. If noise standards are exceeded, the Project Applicant is responsible for immediate implementation of remedial actions to reduce noise levels to acceptable levels. 			

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<ul style="list-style-type: none"> Landscaping Plan: develop a landscaping plan that includes the use of native plant material on the Project site and avoids the use of invasive plant species identified in Table 6-2 of the MSHCP for landscaping portions of development that are adjacent to the MSHCP Conservation Area including avoided riparian/riverine resources. Prior to approval of the Final Design, a landscaping plan, using native vegetation, for areas adjacent to the Conservation Area shall be submitted to the City for review and approval. Barrier and Fencing Plan: A Barrier and Fencing plan that provides specific details designed to minimize unauthorized public access, domestic animal predation, illegal trespass, and dumping in the MSHCP Conservation Area. Prior to approval of the Final Design, a fencing plan shall be submitted to the City of Moreno Valley and the Western Riverside County Regional Conservation Authority for review and approval. The fencing plan shall include 8-foot tall fencing made of secure and fire-proof materials (such as brick, stone, or metal) placed along the entire boundary adjacent to Conservation Area to prohibit movement of people and pets from the development area into the Conservation Area. The top of all walls and fences shall be designed to prevent animals from entering Conservation Areas using systems such as a roller bars, angled fence tops, or other effective fence designs to keep out pets, especially cats. To prevent bird strikes 			

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>and reduce bird mortality, no section of the fence should include clear panels or be made of transparent materials such as glass or plastic. The Fencing Plan shall identify a maintenance and monitoring plan for the fence, including who is responsible for fence maintenance with sufficient funding to maintain the barrier.</p> <ul style="list-style-type: none"> • Grading/Land Development – Manufactured slopes associated with proposed site development shall not extend into the MSHCP Conservation Area. • Best Management Practices: The MND should incorporate the guidance in MSHCP Section 7.0 and Appendix C of the MSHCP for addressing Best Management Practices. 			
<p>MM BIO-7: The Developer shall pay the applicable Stephens' Kangaroo Rat Habitat Conservation Plan Development Mitigation Fee prior to initiating any grading activities.</p>	<p>Prior to Construction</p>	<p>Developer</p>	
<p>Cultural Resources</p>			
<p>RR CUL-1: In the event of the discovery of human remains, the developer shall contact the County coroner immediately. If human remains of Native American origin are discovered during ground disturbing activities, the developer shall comply with the State laws relating to the disposition of Native American burials that fall within the jurisdiction of the Native American Heritage Commission (NAHC; PRC §5097). According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that excavation is stopped near discovered human remains until the coroner can</p>	<p>Ongoing During Construction</p>	<p>Contractor/Qualified Professional Archaeologist</p>	

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>determine whether the remains are those of a Native American. If the remains are determined to be Native American, the California Native American Heritage Commission shall be notified, and appropriate measures provided by State law shall be implemented to determine the most likely living descendant(s). Disposition of the remains shall be overseen by the most likely living descendants to determine the most appropriate means of treating the human remains and any associated grave artifacts.</p>			
<p>MM CUL-1: Prior to the issuance of a demolition permit, the Developer shall submit the name and qualifications of a qualified archaeologist to the City of Moreno Valley Community Development Department for review and approval. Once approved, the qualified archaeologist shall be retained by the Developer. In the event that suspected cultural (archaeological) resources or tribal cultural resources are inadvertently unearthed during excavation activities, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery. The Project contractor or Developer shall contact the qualified archaeologist to request an evaluation of the significance of the find and determine an appropriate course of action. If avoidance of the resource(s) is not feasible, salvage operation requirements pursuant to Section 15064.5 of the State California Environmental Quality Act Guidelines shall be followed in consultation with the City. After the find has been appropriately avoided or mitigated, work in the area may resume.</p>	<p>Prior to the Issuance of a Grading Permit</p>	<p>Developer/Contractor/Qualified Professional Archeologist</p>	
<p>MM CUL-2: Archaeological monitoring will be conducted by a qualified archaeologist for all ground disturbance activities that occur within 30 meters (100 feet) of Sites 33-015937 and 33 015938, which are identified in greater detail within the Project's cultural reports (Appendix C). If any suspected cultural (archaeological) resources are</p>	<p>Ongoing During Construction</p>	<p>Developer/Contractor/Qualified Professional Archeologist</p>	

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Mitigation Monitoring and Reporting Program

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City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
detected, the procedures identified in MM CUL-1 will be implemented.			
Energy			
<p>RR ENE-1: The Project must be designed in accordance with the applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6). These standards are updated, nominally every three years, to incorporate improved energy efficiency technologies and methods.</p>	Prior to Construction	Developer	
<p>RR ENE-2: The Project is subject to the California Green Building Standards Code (CALGreen) (CCR, Title 24, Part 11). These standards are updated, nominally every three years, to incorporate improved energy efficiency technologies and methods.</p>	Prior to Construction	Developer	
<p>RR ENE-3: The Project shall comply with applicable policies of the Moreno Valley Climate Action Plan by complying with meeting the following policies:</p> <ol style="list-style-type: none"> 1. Require new multi-family residential development to reduce the need for external trips by providing useful services/facilities on-site such as electric vehicle infrastructure. (Policy TR-9) 2. incentives such as streamlined permitting or bonus density for new multi-family buildings and reroofing projects to install “cool” roofs consistent with the current California Green Building Code (CALGreen) standards for commercial and industrial buildings. (Policy R-1) 3. Require new construction and major remodels to install interior real-time energy smart meters in line with current utility provider (e.g. MVU, SCE) efforts. (Policy R-2) 4. Reduce emissions from heavy-duty construction equipment by limiting idling based on South Coast Air Quality Management 	Prior to Construction	Developer	

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Mitigation Monitoring and Reporting Program

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Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>District (SCAQMD) requirements and utilizing cleaner fuels, equipment, and vehicles.</p> <ul style="list-style-type: none"> a. Require provision of clear signage reminding construction workers to limit idling. b. Require the Developer to limit GHG emissions through one or more of the following measures: <ul style="list-style-type: none"> i. substitute electrified or hybrid equipment for diesel/gas powered equipment. ii. Use alternative fueled equipment on site. iii. Avoid use of on-site generators. (Policy OR-2). 			
Geology and Soils			
<p>MM GEO-1 : Prior to approval of final plans and specifications for the Project, the City shall review the Project plans to confirm that all recommendations in the Geotechnical Report (prepared by LGC Geo-Environmental, Inc in 2018), the Slope Stability Report (prepared by Dynamic Geotechnical Solutions in 2021), and any future geotechnical reports have been fully and appropriately incorporated into all grading and construction drawings.</p>	<p>Prior to Approval of Final Plans</p>	<p>Developer/City's Development Services Department</p>	
<p>MM GEO-2: Prior to the issuance of a grading permit, the Developer shall submit the name and qualifications of a qualified paleontologist to the City of Moreno Valley Community Development Department for review and approval. Once approved, the qualified paleontologist shall be retained by the Developer on an on-call basis to observe grading activities in the Young Alluvial Valley Deposits and Old Alluvial Fan Deposits on the Project Site and to salvage and catalogue fossils as necessary. At the Project's Pre-Grade Meeting, the paleontologist shall discuss the sensitivity of the sediment being</p>	<p>Prior to the Issuance of a Grading Permit</p>	<p>Developer/ City's Development Services Department/Qualified Paleontologist</p>	

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>graded and shall establish procedures for monitoring. Protocols must be developed and explained for temporarily halting or redirecting work to permit sampling, identification, and evaluation of any fossils discovered. If the fossils are deemed significant, the paleontologist shall determine appropriate actions, in cooperation with the City of Moreno Valley, to recover and treat the fossils and to prepare them to the point of identification. A final Paleontological Resources Monitoring Report shall include a catalogue and analysis of the fossils found; a summary of their significance; and the repository that would curate the fossils in perpetuity.</p>			
Hazards and Hazardous Materials			
<p>PDF HAZ-1: The Project's proposed basins would be designed and maintained to provide for a maximum 48-hour detention period following the design storm, and to remain totally dry between rainfalls.</p>	<p>During Project Design</p>	<p>Developer/City's Development Services Department</p>	
<p>PDF HAZ-2: Vegetation in and around the basins that would provide food or cover for birds would be incompatible with airport operations and shall not be utilized in Project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the basins shall not include trees or shrubs that produce seeds, fruits, or berries. Landscaping in the basins, if not rip rap, would be in accordance with the guidance provided in ALUC "Landscaping Near Airports" brochure, and the "Airports, Wildlife, and Stormwater Management" brochure available at RCALUC.org which lists acceptable plants from the Riverside County Landscaping Guide or other alternative landscaping as may be recommended by a qualified wildlife hazard biologist.</p>	<p>During Project Design</p>	<p>Developer/City's Development Services Department</p>	

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

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Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>PDF HAZ-3: A notice shall be permanently affixed to the fencing surrounding the basins with the language similar to the following: "There is an airport nearby. This stormwater basin is designed to hold stormwater for only 48 hours and to not attract birds. Proper maintenance is necessary to avoid bird strikes." This sign would also include the name, telephone number, or other contact information of the person or entity responsible for monitoring and maintain the basins.</p>	<p>During Project Operation</p>	<p>Developer/City's Development Services Department</p>	
<p>PDF HAZ-4: Prior to close of escrow on the Project's future proposed homesites, the "Notice of Airport in Vicinity" that was attached to the ALUC's 2020 Airport Land Use Commission (ALUC) Development Review – Director's Determination letter shall be provided to all prospective purchasers and occupants of the Project.</p>	<p>During Project Operation</p>	<p>Developer/City's Development Services Department</p>	
<p>Public Resources</p>			
<p>RR PUB-1: The Developer shall comply with all applicable codes, ordinances, and regulations, including the most current edition of the California Fire Code and the City of Moreno Valley Municipal Code, regarding fire prevention and suppression measures; fire hydrants; fire access; water availability; and other, similar requirements. Prior to issuance of building permits, the City of Moreno Valley Community Development Department and the Moreno Valley Fire Department shall verify compliance with applicable codes and that appropriate fire safety measures are included in the Project design. All such codes and measures shall be implemented prior to occupancy.</p>	<p>During Project Construction</p>	<p>Developer/Contractor/ City's Development Services Department/Moreno Valley Fire Department</p>	

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Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>RR PUB-2: The Developer shall pay all applicable Development Impact Fees (DIFs) prior to the issuance of building permits, for parkland dedication, parkland improvements, public safety facilities, other governmental facilities, and outside agency fees including school district fees.</p>	<p>Prior to Issuance of a Building Permit</p>	<p>Developer/City's Development Services Department</p>	
<p>Tribal Cultural Resources</p>			
<p>MM TCR-1: Archaeological Monitoring. Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist, who meets the U.S. Secretary of the Interior Standards, to conduct monitoring of all mass grading and trenching activities.</p> <p>The Project Archaeologist, in consultation with the Consulting Tribe(s) including Pechanga Band of Luiseño Indians, the contractor, and the City, shall develop a CRMP as defined in MM TCR-3. The Project archeologist shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The archaeological monitor shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed.</p>	<p>Prior to Issuance of a Grading Permit</p>	<p>Developer/Qualified Professional Archeologist</p>	
<p>MM TCR-2: Native American Monitoring. Prior to the issuance of a grading permit, the Developer shall secure agreements with the Pechanga Band of Luiseño Indians for tribal monitoring. The City is also required to provide a minimum of 30 days' advance notice to the tribes of all mass grading and trenching activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American</p>	<p>Prior to Issuance of a Grading permit</p>	<p>Developer/Qualified Professional Archeologist/City's Development Services Department</p>	

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Mitigation Monitoring and Reporting Program

Gateway Heights Project (PEN 21-0066)

City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, City, the construction manager and any contractors and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.</p>			
<p>MM TCR-3A: In the event that Native American cultural resources are discovered during the course of grading (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 MM CUL-1. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments as defined in MM CUL-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 		<p>Developer/Qualified Professional Archeologist/Contractor</p>	

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Mitigation Monitoring and Reporting Program

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Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>Consulting Native American Tribal Governments prior to certification of the environmental document.</p>			
<p>MM TCR-3B: 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 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the Project Site. A consulting Tribe is defined as a Tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:</p> <ul style="list-style-type: none"> a Project description and location; b Project grading and development scheduling; c Roles and responsibilities of individuals on the Project; d The pre-grading meeting and Cultural Resources Worker Sensitivity Training details; e The protocols and stipulations that the contractor, City, Consulting Tribe(s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation. f The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items. g Contact information of relevant individuals for the Project. 	<p>Prior to Construction</p>	<p>Developer/Qualified Professional Archeologist/City's Development Services Department/Contractor</p>	

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<p>MM TCR 4: The City shall verify that the following note is included on the Grading Plan:</p> <p>"If any suspected archaeological resources are discovered during ground disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find."</p>	<p>Prior to Construction</p>	<p>City's Development Services Department</p>	
<p>MM TCR 5: Inadvertent Finds. If potential historic or cultural resources are uncovered during excavation or construction activities at the Project Site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to Project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional archeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all Consulting Native American Tribes as defined in MM TCR-2 before</p>	<p>Ongoing During Construction</p>	<p>Developer/Qualified Professional Archeologist/City's Development Services Department/Contractor</p>	

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Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>any further work commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in consultation with the Tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.</p>			
<p>MM TCR 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 Construction</p>	<p>Qualified Professional Archeologist/County Coroner/Contractor</p>	
<p>MM TCR 7: Non-Disclosure of Reburial Locations. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (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>Ongoing During Construction</p>	<p>Qualified Professional Archeologist/County Coroner/Contractor</p>	

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City of Moreno Valley

Mitigation Measure	Timing of Verification	Party Responsible for Implementation and Reporting	Status/Date/Initials
<p>MM TCR 8: Archeology Report - Phase III and IV. Prior to final inspection, the developer/permit holder shall prompt the Project Archeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).</p>	<p>Prior to Final Inspection</p>	<p>Developer/Qualified Professional Archeologist/City's Development Services Department</p>	
<p>MM TCR 9: In accordance with consultations and determinations made by the developer and the Pechanga Tribe, all recorded features within CA-RIV-8274 will be avoided except for bedrock milling feature (1), which is on Lot 8. The Pechanga Tribe shall work with the project archaeologist, the developer, and the grading contractor or appropriate personnel to determine a reasonable methodology for relocating these features. Attempts will be made to excavate and relocate these boulders to the open space preserve, should their size and depth permit. If the boulders cannot be moved intact due to feasibility constraints, an attempt will be made to transversally cut into them so as to free the exposed prehistoric features, allowing the slicks themselves to be relocated to the adjacent open space preserve. The current Department of Parks and Recreation (DPR) forms shall be</p>	<p>Ongoing During Construction</p>	<p>Developer/Qualified Professional Archeologist/City's Development Services Department/Contractor</p>	

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<p>updated, detailing which features were relocated, the process taken, and updated maps provided documentation of the features' new location. The site record should clearly indicate that the features are not in their original location and why they were relocated.</p>			
<p>MM TCR 10: Prior to any earthmoving activities, milling features 3 and 5 of CA-RIV-8274 will be fenced and identified as an Environmentally Sensitive Area (ESA). The Developer will ensure that appropriate temporary fencing is installed (i.e., orange fabric/barrier fencing) to prevent any unintentional disturbances to features 3 and 5 of CA-RIV-8274 during any earthmoving activities on the project site. The fencing will be installed before clearing and grubbing and will not be removed until all earthmoving activities have been completed. The project archaeologist and Pechanga Tribal Monitor will be on site to monitor the fence installation and removal and will conduct daily inspections of the fencing to make sure that it is intact and has not been breached. If the project archaeologist and/or Pechanga Tribal Monitor identify a breach of the fence, i.e., removal, cut, depressed, driven over or intentionally breached in any way, all work within a 25-foot buffer shall cease and the Developer, City, project archaeologist and the Pechanga Tribe shall meet and confer as to the best method to repair the fencing. The person(s) responsible for the breach and the Construction Supervisor (or appropriate supervisory personnel) shall be required to retake the sensitivity training provided at the beginning of construction, in addition to any other remedies considered appropriate.</p>	<p>Prior to any Earthmoving Activities</p>	<p>Developer/Qualified Professional Archeologist/City's Development Services Department/Contractor</p>	

Attachment: Exhibit C to Resolution No. 2023-XX - Mitigation Monitoring and Reporting Program (6350 : Gateway Heights Tract 38459)

RESOLUTION NUMBER 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT (PEN20-0095), TO AMEND THE GENERAL PLAN LAND USE MAP, CHANGING THE LAND USE DESIGNATION FROM RESIDENTIAL 2 (R2) AND HILLSIDE RESIDENTIAL (HR) TO RESIDENTIAL 10 (R10) AND PARKS/OPEN SPACE (OS), CONDITIONAL USE PERMIT (PEN21-0066) FOR A PLANNED UNIT DEVELOPMENT, AND TENTATIVE TRACT MAP NO. 38459 (PEN22-0127) FOR THE DEVELOPMENT OF A 108-UNIT TOWNHOUSE CONDOMINIUM

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 City’s Zoning Atlas; and

WHEREAS, HengHou Group (“Applicant”) is seeking approval for the Gateway Heights Residential Project, which includes approval of General Plan Amendment (PEN20-0095), Conditional Use Permit (PEN21-0066) and Tentative Tract Map 38459 (PEN22-0127) for the development of a 108-unit detached townhouse condominium Planned Unit Development on 32.56-acres, with associated amenities and public improvements (“Proposed Project”) located on the east side of Morton Road, approximately 300 feet north of Jennings Court (APN 256-150-001) (“Project Site”); and

WHEREAS, Section 9.02.060 (Conditional Use Permits) of the 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, on June 8, 2023, the public hearing to consider the Proposed Project

was duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and to present evidence; and

WHEREAS, on June 8, 2023, a public hearing was conducted by the Planning Commission to consider General Plan Amendment (PEN20-0095), after which the Planning Commission approved Planning Commission Resolution 2023-23, a recommendation that the City Council approve General Plan Amendment (PEN20-0095); and

WHEREAS, on June 8, 2023, a public hearing was conducted by the Planning Commission to consider Conditional Use Permit (PEN21-0066) and Tentative Tract Map 38459 (PEN22-0127), whereby the Planning Commission approved Planning Commission Resolution 2023-26, a recommendation that the City Council approve Conditional Use Permit (PEN21-0066) and Tentative Tract Map 38237 (PEN22-0127); and

WHEREAS, on June 8, 2023, a hearing was conducted by the Planning Commission whereby the Planning Commission approved Planning Commission Resolution No. 2023-22, recommending the City Council approve the Mitigated Negative Declaration/Initial Study, Mitigation Monitoring and Reporting Program, and Proposed Project; and

WHEREAS, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Municipal Code and Government Code section 65905, a public hearing was scheduled for September 5, 2023, before the City Council 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 September 5, 2023, the public hearing to consider the Proposed Project 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 September 5, 2022, in accordance with the provisions of the California Environmental Quality Act (CEQA) and CEQA Guidelines, the City Council considered and approved Resolution 2023-___ certifying 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

2
Resolution No. 2023-XX
Date:

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, and interested parties have ninety-days from the approval of this Resolution to protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a).

Section 3. Evidence

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

- (a) Moreno Valley General Plan and all 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 2 (R2) and Hillside Residential (HR) to Residential 10 (R10) and Parks/Open Space (OS) and all relevant provisions contained therein as shown on Exhibit A;
- (d) Applications for the approval of a General Plan Amendment (PEN20-0095), Change of Zone (PEN20-0096), Tentative Tract Map 38459 (PEN22-0127), and Conditional Use Permit (PEN21-0066), and all documents, records, and references contained therein;
- (e) Testimony, comments, and correspondence from all persons that were provided at, or prior to, the June 8, 2023, Planning Commission public hearing;
- (f) Planning Commission Resolution No. 2023-22, recommending that the City Council certify and approve the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approve the Proposed Project;
- (g) Staff Report prepared for the City Council's consideration and all documents, records, and references related thereto, and Staff's presentation at the September 5, 2023, public hearing; and
- (h) Testimony, comments, and correspondence from all persons that were provided at, or prior to, the City Council September 5, 2023, public hearing.

Section 4. Findings

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

- (a) That the Proposed Project is consistent with the existing goals, objectives, policies, and programs of the General Plan;
- (b) That the Proposed Project will not adversely affect the public health,

- safety, or general welfare;
- (c) That the Proposed Project is consistent with the purposes and intent of Title 9;
 - (d) That the Proposed Project complies with all applicable zoning and other regulations;
 - (e) The location, design, and operation of the Proposed Project will be compatible with existing and planned land uses in the vicinity;
 - (f) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
 - (g) That the Project Site is physically suitable for the type of development;
 - (h) That the Project Site of the proposed land division is physically suitable for the proposed density of the development;
 - (i) 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;
 - (j) That the design of the Proposed Project and the proposed improvements is not likely to cause serious public health problems;
 - (k) 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;
 - (l) That the requirements of CEQA have been satisfied;
 - (m) That the proposed land division is not subject to the Williamson Act pursuant to the California Land Conservation Act of 1965;
 - (n) That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the city;
 - (o) 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
 - (p) That the effect of the Proposed Project on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

Section 5. Approval

That based on the foregoing Recitals, Evidence, and Findings, the City Council hereby approves the Proposed Project, which includes General Plan Amendment (PEN20-0095) as depicted in Exhibit A, and the necessary and corresponding amendment to the City's Zoning Atlas, Conditional Use Permit (PEN21-0066) and Tentative Tract Map 38459 (PEN22-0127), attached hereto as Exhibit B.

Section 6. Repeal of Conflicting Provisions

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

Section 7. Severability

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

Section 8. Effective Date

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

Section 9. Certification

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

PASSED AND ADOPTED THIS 5th day of September, 2023.

Ulises Cabrera, Mayor

ATTEST:

Jane Halstead, City Clerk

APPROVED AS TO FORM:

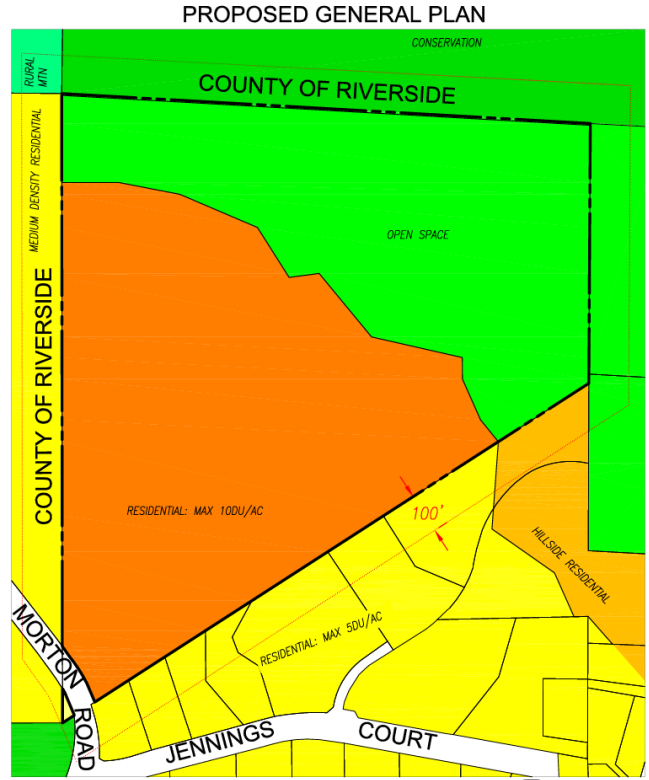
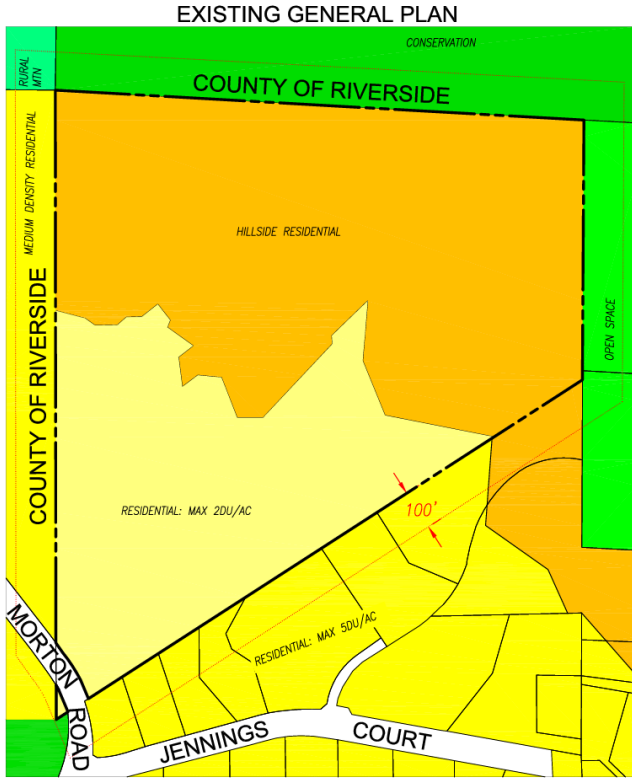
Steven B. Quintanilla, Interim City Attorney

Exhibits:

Exhibit A: General Plan Amendment Land Use

Exhibit B: Conditional Use Permit (PEN21-0066) and Tentative Tract Map 38459
 (PEN22-0127) Conditions of Approval

Exhibit A General Plan Amendment



GENERAL PLAN MAP
GATEWAY HEIGHTS

CITY OF MORENO VALLEY, CALIFORNIA

SCALE: 1" = 200'



APPENDIX A

Attachment: Resolution No. 2023-XX - General Plan Amendment, Conditional Use Permit, Tentative Tract Map [Revision 3] (6350 : Gateway

Exhibit B

**Conditional Use Permit (PEN21-0066) and Tentative Tract Map 38459
(PEN22-0127) Conditions of Approval**

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN21-0066)

Tentative Tract Map No. 38459 (PEN22-0127)

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CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Conditional Use Permit (PEN21-0066)
 Tentative Tract Map No. 38459 (PEN22-0127)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENT**Planning Division**

1. This approval is for Conditional Use Permit (PEN22-0066) for a Planned Unit Development to address development standards for Tentative Tract Map 38459 (PEN22-0127), a subdivision of approximately 32.56 acres of vacant land into an approximate 16.59-acre common-area lot with 108 air space parcels for condominium purposes with a public park, and an approximate 15.97-acre remainder open-space lot, including development standards and design criteria for the construction of new homes and public amenities. A change or modification to the land use or the approved site plans may require a separate approval. Prior to any change or modification, the property owner shall contact the City of Moreno Valley Community Development Department to determine if a separate approval is required.
2. The Homeowners Association, developer, or the developer's successor-in-interest shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust.
3. 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.
4. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN21-0066)

Tentative Tract Map No. 38459 (PEN22-0127)

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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.

5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris.
6. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, Gateway Heights PUD, 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.
7. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division.
8. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

9. Prior to grading permits, the developer or successor in interest shall submit a wall and fence plan showing basin fencing, to include wrought iron fencing with pilasters.
10. Prior to approval of the first certificate of occupancy for a townhouse unit, 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.
11. Prior to issuance of grading permits, colors and materials for exterior building materials including roofing, fences/walls, etc., shall be submitted to and approved by the Planning Division as this project is adjacent to a Hillside Residential land use

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN21-0066)

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designation. All exterior colors and building materials shall be consistent with the Gateway Heights PUD and shall blend with the surrounding natural environment.

12. The grading plans shall show the open space lot to be preserved, and any conservation easement lots.
13. A drought tolerant landscape palette shall be utilized throughout the tract in compliance with the City's Landscape Requirements, the Gateway Heights PUD document, and the Preliminary and Final Fuel Modification / Vegetation Control Plan.
14. Prior to any site disturbance and/or grading plan submittal, or prior to the recordation of a final map, 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 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:
 1. The document to convey title
 2. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

1. The document to convey title

2. 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 (condominium townhomes) public park amenities and other recreation facilities. 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.

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

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN21-0066)

Tentative Tract Map No. 38459 (PEN22-0127)

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public or private maintenance entity. 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.
16. 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.
 17. Prior to grading plan approval, wall and fence plans shall be submitted to and approved by the Planning Division subject to the City's Municipal Code including the following:
 - a. Perimeter fencing shall be constructed of decorative masonry with pilasters and wrought iron.
 - b. Galvanized steel rock garden walls may be used for private patio spaces at each townhome.
 - c. Non-combustible fencing is required for all lots adjacent to all fuel modification zones, subject to the approval of the Fire Department.
 18. Prior to the issuance of any grading permits, the owner/developer or successor in interest shall record a deed restriction on the subject site, affecting all riverine features and buffer areas of the site stating that no fuel modification activities will be allowed within any riverine features. The deed restriction shall further state that fuel modification maintenance activities that occur in the buffer areas around, but not overlapping, the riverine features, may be done using only hand tools and no native plant species may be removed. The owner/developer shall acknowledge that the intention of this deed restriction / restrictive covenant shall be binding upon all future owners, successors and heirs to the subject property. A public disclosure notice/ statement describing the above deed restriction shall be recorded on the title of all subsequently-subdivided land parcels and air parcels created for the development of a detached townhouse condominium development.
 19. In accordance with Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN21-0066)

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than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

Prior to Grading Permit

20. 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.
21. 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.
22. 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)
23. 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 building plans.
24. Prior to issuance of any building permits, final Landscaping and Irrigation Plans, and Final Fuel Modification/ Vegetation Control Plans, shall be submitted for review and approval by the Planning Division and Fire Department. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
 - a. Drought tolerant landscape shall be used. Sod shall be limited to common open space gathering areas.
 - b. Street trees shall be provided every 40 feet on center in the right of way, subject to approval by the Fire Department.
 - c. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.
 - d. All site perimeter landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the townhouse cluster pad in

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question.

Building Division

25. 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.
26. Contact the Building Safety Division for permit application submittal requirements.
27. 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.
28. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
29. 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.
30. 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.
31. 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.
32. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
33. 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).
34. Prior to permit issuance, every applicant shall submit a properly completed Waste

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Management Plan (WMP), as a portion of the building or demolition permit process.
(MC 8.80.030)

FIRE DEPARTMENT**Fire Prevention Bureau**

35. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
36. 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)
37. 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)
38. 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)
39. 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)
40. 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)
41. Prior to issuance of building permits, plans specifying the required structural materials for building construction in high fire hazard severity zones shall be submitted to the Fire Prevention Bureau for approval. (CFC, 4905)
42. Prior to issuance of Certificate of Occupancy or Building Final, all buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
43. Existing fire hydrants on public streets are allowed to be considered available.

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- 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.
44. 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.
 45. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 46. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
 47. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 48. 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])
 49. 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)
 50. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 51. 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

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- 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)
52. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 53. 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)
 54. 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)
 55. Preliminary fuel modification plans shall be reviewed and approved by the fire code official concurrent with the submittal for approval of any tentative map. Final fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit.
 56. 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)
 57. 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)
 58. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all 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)
 59. 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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60. 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).
61. Final Fire Protection Fuel Modification Plan shall be submitted, reviewed, and approved before the submittal of Building Plans to the City of Moreno Valley's Planning and Fire Departments. Fuel Modification Plan's implementation and installation shall be in place before occupancy is granted for first dwelling unit.
62. Fuel Modification Maintenance shall be delineated by providing legal binding statement in community's CC&Rs specifying the community's responsibility, covenants, and conditions for maintenance of fuel modification zones and vegetation. Such document(s) shall be provided for review to the Fire Prevention Bureau and Land Development before the recordation of the final tract map.
63. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
64. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
65. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall: a. Be signed by a registered civil engineer or a certified fire protection engineer; b. Contain a Fire Prevention Bureau approval signature block; and c. Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENTMoreno Valley Utility

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66. This project shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to Moreno Valley Utility electric streetlight improvements consisting of streetlight poles, mast-arms, fixtures conduit, wiring, terminations and pull boxes to serve the identified development and other adjoining, abutting, or benefiting projects as determined by the Land Development Department along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all “street light services” to and within the project.
67. This project shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to Moreno Valley Utility fiber optic cable improvements consisting of conduit, and pull boxes to serve the identified development and other adjoining, abutting, or benefiting projects as determined by Moreno Valley Utility along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all “fiber optic services” to and within the project.

PUBLIC WORKS DEPARTMENT**Land Development**

68. 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.
69. The developer shall comply with all applicable City ordinances and resolutions including the City’s Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
70. 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.
71. The developer shall monitor, supervise and control all construction related activities,

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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.

- 72. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
- 73. 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]
- 74. 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)]
- 75. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]

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76. 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.
77. The proposed private storm drain system shall connect to the proposed West End Moreno Valley Master Drainage Plan (MDP) Line B, which is preliminarily designed to be two 3' X 6' RCB culverts. 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.
78. 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. 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 with striping, RCFC storm drain, sewer / water, etc.) (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, dedications, vacations, etc. (prior to map approval);
 - h. As-Built revision for all plans (prior to Occupancy release).
79. 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 related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed. If residential, it and its maintenance shall be turned over to an established Homeowner's Association (HOA).

Prior to Grading Plan Approval

80. Resolution of all drainage issues shall be as approved by the City Engineer.
81. 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

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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.

82. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
83. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

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

84. 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.
- The Applicant has proposed to incorporate the use of bioretention. 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.
 - The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP.
 - 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.
 - The proposed LID BMP's as identified in the project-specific P-WQMP shall

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- 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.
85. 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.
86. 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.
87. 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.
88. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
89. 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.
90. 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

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noted on the grading plans.

Prior to Grading Permit

91. 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)]
92. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
93. 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)]
94. 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]
95. A digital (pdf) copy of all approved grading plans shall be submitted to the Land Development Division.

Prior to Map Approval

96. All proposed street names shall be submitted for review and approved by the City Engineer, if applicable. [MC 9.14.090(E.2.k)]
97. 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.
98. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
99. Resolution of all drainage issues shall be as approved by the City Engineer.
100. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of

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any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]

101. 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.
102. 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 shall 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.
103. 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]
104. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
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 is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
107. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
108. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.

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109. 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.
110. 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.
111. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
112. 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.
113. 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.
114. 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.
115. 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.
116. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of

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pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

117. A digital (pdf) copy of all approved improvement plans shall be submitted to the Land Development Division.
118. 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.
119. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

120. 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.
121. For all subdivision projects, the map shall be recorded (excluding model homes). [MC 9.14.190]
122. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
123. Certification to the line, grade, flow test and system invert elevations for the water

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quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).

124. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
- (a) The necessary street right of way dedication on the east side of Morton Road (60' R/W / 36' CC: Local Street, City Standard No. MVSI-107A-0 (Modified)) along the project frontage.
 - (b) The necessary street right of way dedication on the west side of Morton Road (60' R/W / 36' CC: Local Street, City Standard No. MVSI-107A-0 (Modified)) for transition, alignment, and/or drainage purposes.
 - (c) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0 on Morton Road, as applicable.
 - (d) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

125. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
126. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
127. 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 (SCE: LS-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.
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

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boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

129. 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.
130. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - f. Obtain approval and complete installation of the irrigation and landscaping.
131. Prior to occupancy, the following improvements shall be completed:
Morton Road (60' R/W / 36' CC: Local Street, City Standard No. MVS1-107A-0 (Modified)) shall be constructed to achieve a half-width of 18' plus 12' beyond centerline, along the entire project's west frontage. Morton Road shall transition to the existing street to the north, and shall transition to the existing street to south, using existing and proposed curvature data. Improvements on the west side may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVS1-107A-0. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.

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Special Districts Division

132. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
133. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.
134. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the

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annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

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

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is

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not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

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

136. CFD 2014-01. Prior to City Council action authorizing the recordation of the map, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and b) street and storm drain maintenance.

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SAdmin@moval.org to satisfy this condition.

137. NPDES Funding. Prior to City Council action authorizing recordation of the final

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map for the development and if the Land Development Division requires this project to provide a funding source for the City's National Pollutant Discharge Elimination System (NPDES) program, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the balloting/annexation fee or fund an endowment) to provide an ongoing funding source for the NPDES program. This condition must be fully satisfied prior to issuance of the 1st Building Permit. This condition will be satisfied with the successful special election process into the NPDES program, or other special financing district, and payment of all costs associated with the special election process. Participation in the NPDES program requires an annual payment of the annual special tax, assessment, rate or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the City Council action to consider the ballot/annexation into or formation of the district, the qualified elector(s) will not protest the ballot/annexation or formation, but will retain the right to object to any eventual tax/assessment/rate/fee that is not equitable should the financial burden of the tax/assessment/rate/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. (City of Moreno Valley Municipal Code Title 3, Section 3.50.050). Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

138. Park Maintenance Funding. Prior to City Council action authorizing the recordation of the map, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

This condition must be fully satisfied prior to issuance of the 1st Building Permit. 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

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN21-0066)

Tentative Tract Map No. 38459 (PEN22-0127)

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SAdmin@moval.org to satisfy this condition.

139. The ongoing maintenance of any water quality BMP (e.g. Bioswale) constructed in the public right of way shall be the responsibility of a property owner association or the property owner.
140. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
141. Zones A and C. The parcel(s) associated with this project is included in Moreno Valley Community Services District Zone A (Parks & Community Services) and Zone C (Arterial Street Lighting). Zone A is levied on the property tax bill on a per parcel or dwelling unit basis. Zone C is levied on the property tax bill on a per parcel basis. Zone A and Zone C are levied against all assessable parcels, and any subdivision thereof.

Transportation Engineering Division

142. All project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-111A-0 for residential driveway approaches.
143. Box Springs Road is designated as a Minor Arterial (88'RW/64'CC). Any modifications or improvements undertaken by this project shall be consistent with City Standards or as approved by the City Engineer.
144. Street "A" shall be improved as a modified Local Street (56'RW/36'CC) per City Standard Plan No. MVSI-107A-0. Any improvements undertaken by this project shall be consistent with City Standards or as approved by the City Engineer. A landscaped, raised median shall be installed on Street "A" such that sight distance is not obstructed. Appropriate signage shall be installed to clearly indicate the direction of travel.
145. Street "B" and Street "C" shall be improved as Local Streets (56'RW/36'CC) per City Standard Plan No. MVSI-107A-0. Any improvements undertaken by this project shall be consistent with City Standard.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN21-0066)

Tentative Tract Map No. 38459 (PEN22-0127)

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146. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
147. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
148. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per California Manual on Uniform Traffic Control Devices (CAMUTCD) and City of Moreno Valley Standard Plans - Section 4 for all streets within the project area. The signing and striping plan shall include a pedestrian crossing to the satisfaction of the City Traffic Engineer for Street "B", between Street "A" and Street "C", as shown on the approved exhibits.
149. Prior to issuance of an encroachment permit for works within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
150. Prior to issuance of the first building permit, the Developer shall coordinate with the City of Riverside Public Works Department and purchase the necessary traffic signal appurtenance equipment for the improvement, as identified in the Gateway Heights Traffic Study, dated February 12, 2021, at the intersection of Sycamore Canyon Road and Fair Isle Drive.
151. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.

PARKS & COMMUNITY SERVICES DEPARTMENT

152. This project is subject to current Development Impact Fees.

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING CHANGE OF ZONE (PEN20-0096) TO AMEND THE CITY ZONING ATLAS FROM RESIDENTIAL 2 DISTRICT (R2) AND HILLSIDE RESIDENTIAL DISTRICT (HR) TO RESIDENTIAL 10 DISTRICT (R10) AND OPEN SPACE (OS) DISTRICT FOR THE PROPERTY LOCATED ON THE EAST SIDE OF MORTON ROAD, APPROXIMATELY 300 FEET NORTH OF JENNINGS COURT (APN 256-150-001).

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 City’s Zoning Atlas; and

WHEREAS, HengHou Group (“Applicant”) has submitted is seeking approval for the Gateway Heights Residential Project which includes approval of General Plan Amendment (PEN20-0095), Conditional Use Permit (PEN21-0066) and Tentative Tract Map 38459 (PEN22-0127) for the development of a 108-unit detached townhouse condominium Planned Unit Development on 32.56-acres, with associated amenities and public improvements (“Proposed Project”) located on the east side of Morton Road, approximately 300 feet north of Jennings Court (APN 256-150-001) (“Project Site”); and

WHEREAS, on June 8, 2023, the public hearing to consider the Proposed Project was duly conducted by the Planning Commission at which time all interested persons were provided with an opportunity to testify and to present evidence; and

WHEREAS, on June 8, 2023, a public hearing was conducted by the Planning Commission to consider General Plan Amendment (PEN20-0095), after which the Planning Commission approved Planning Commission Resolution 2023-23, a recommendation that the City Council approve General Plan Amendment (PEN20-0095); and

WHEREAS, on June 8, 2023, a hearing was conducted by the Planning Commission whereby the Planning Commission approved Planning Commission Resolution No. 2023-22, recommending the City Council approve the Mitigated Negative Declaration/Initial Study, Mitigation Monitoring and Reporting Program, and Proposed Project; and

WHEREAS, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Municipal Code and Government Code section 65905, a public hearing was scheduled for September 5, 2023, before the City Council 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 September 5, 2023, the public hearing to consider the Proposed Project 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 September 5, 2022, in accordance with the provisions of the California Environmental Quality Act (CEQA) and CEQA Guidelines, the City Council considered and approved Resolution 2023-___ certifying the Proposed Project’s Mitigated Negative Declaration, and adopting a Mitigation Monitoring and Reporting Program.

THE CITY COUNCIL OF THE CITY OF MORENO VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. AMENDMENT OF THE OFFICIAL ZONING ATLAS

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 96 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 2. EFFECT OF ENACTMENT

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 3. NOTICE OF ADOPTION

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 4. EFFECTIVE DATE

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

[Remainder of Page Intentionally Left Blank]

Attachment: Ordinance No. XXX - Gateway Heights [Revision 2] (6350 : Gateway Heights Tract 38459)

APPROVED AND ADOPTED this 5th day of September, 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, City Attorney

Attachment: Ordinance No. XXX - Gateway Heights [Revision 2] (6350 : Gateway Heights Tract 38459)

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. XXX was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 5th day of September, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

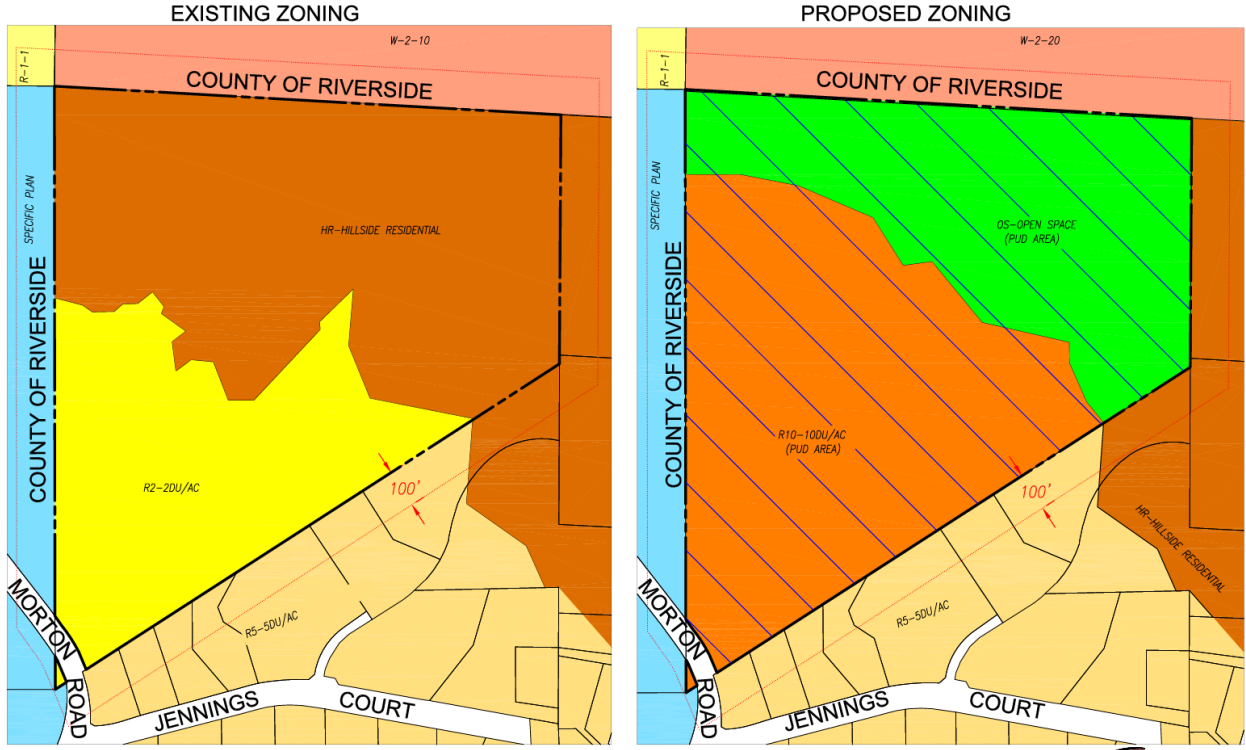
CITY CLERK

(SEAL)

Attachment: Ordinance No. XXX - Gateway Heights [Revision 2] (6350 : Gateway Heights Tract 38459)

EXHIBIT A

Existing and Proposed Zoning Map



ZONING MAP

GATEWAY HEIGHTS

CITY OF MORENO VALLEY, CALIFORNIA

SCALE: 1" = 200'



APPENDIX B

Attachment: Ordinance No. XXX - Gateway Heights [Revision 2] (6350 : Gateway Heights Tract 38459)

UNITED ENGINEERING GROUP

Gateway Heights Planned Unit Development

Moreno Valley, California

December 2022

Prepared for:

HengHou Group
177 E. Colorado Blvd.
Suite 200
Pasadena, CA 91105



8885 HAVEN AVENUE | STE 195 | RANCHO CUCAMONGA, CA 91730
909-466-9240

Attachment: Gateway Heights PUD - 1 of 3 (6350 : Gateway Heights Tract 38459)

PLANNED UNIT DEVELOPMENT

FOR

Gateway Heights

December 2022

Submitted to



City of Moreno Valley
 14177 Fredrick Street
 Moreno Valley, CA 92552
 (951) 413-3000

APPLICANT/PROPERTY OWNER(S)

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PROJECT MANAGER



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 (909) 223-3302

Attachment: Gateway Heights PUD - 1 of 3 (6350 : Gateway Heights Tract 38459)

ENGINEER



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ARCHITECT



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Irvine, CA 92614
(949) 752-1177

Attachment: Gateway Heights PUD - 1 of 3 (6350 : Gateway Heights Tract 38459)

UEG Project No. 30182

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Attachment: Gateway Heights PUD - 1 of 3 (6350 : Gateway Heights Tract 38459)

EXHIBITS

- A. Vicinity Map
- B. Development Area
- C. USGS Topographic Map
- D. FEMA FIRM Map
- E. General Plan Map
- F. Zoning Map
- G. Area Circulation Map
- H. Gateway Specific Plan
- I. Surrounding Jurisdictions
- J. Open Space/Park Plan
- K. Cluster Detail
- L. Street Sections
- M. Conceptual Wall & Fence Plan

ARCHITECTURE

- A-1.1 – Plan 1 Floor Plan A
- A-1.2 – Plan 1 Floor Plan B
- A-1.3 – Plan 1 Elevation A
- A-1.4 – Plan 1 Elevation B
- A-2.1 – Plan 2 Floor Plan A
- A-2.2 – Plan 2 Floor Plan B
- A-2.3 – Plan 2 Elevation A
- A-2.4 – Plan 2 Elevation B
- A-3.1 – Plan 3 Floor Plan A
- A-3.2 – Plan 3 Floor Plan B
- A-3.3 – Plan 3 Elevation A
- A-3.4 – Plan 3 Elevation B

SITE PLAN

- Sheet 1 – Preliminary Site Plan
- Sheet 2 – Preliminary Grading & Drainage Plan

APPENDIX 1

- Preliminary Fire Protection Technical Report/Plan

1.0 PURPOSE

The purpose of this Planned Unit Development (PUD) is to describe the overall design concept for the Gateway Heights project and outline the design details that will be incorporated into the final design decisions. The Gateway Heights project presents innovative housing options within the City of Moreno Valley, while delivering a vast amount of recreational open space to the surrounding communities. This manual includes both design standards and guidelines. The guidelines in this document will lay out both functional and aesthetic design concepts as an overall strategy to be followed at the time of development. The primary objective is to establish a consistent theme throughout the project. This document will establish design standards, overall theme, wall and fence concepts, and pedestrian connectivity to be used in the future build out of this project. This Planned Unit Development (PUD) is being processed in conformance with City of Moreno Valley Municipal Code, Chapter 9.03.060.

2.0 PROJECT BACKGROUND & DESCRIPTION

Gateway Heights is located north of Jennings Court and east of Morton Road in the City of Moreno Valley (Refer to **Exhibit A – Vicinity Map**). The property contains 32.70 acres in the foothill of the Box Springs Mountain Reserve Park. The project proposes to develop approx. 16.59 acres of 32.56 acres into 108 detached condominium units with the dwelling units in an 8-unit “cluster” concept. (See **Exhibit B – Development Area**) The remaining 15.97 acres will be rezoned to Open Space (OS). It is anticipated that the open space area will be incorporated into the local trail system of hiking, trail running, and mountain biking trails, and the open space area will be available for recreational use by residents of Gateway Heights and the City of Moreno Valley. The project will also contain 3.1 acres of open space, trails and park area within the community providing residents with space to enjoy. The project proposal is consistent with the City of Moreno Valley’s Residential 10 (R10) District which allows for a maximum density of 10 dwelling units per net acre. In order to ensure the quality and cohesiveness of PUD projects, the City of Moreno Valley requires additional design details during planning stages. The requirement for these design standards and details helps ensure that City design objectives are met. By implementing the following design points, this project meets these City design objectives for PUDs:

- Provides innovation and diversity in housing choices that would not otherwise be possible according to the strict application of the site development regulations in this title because the detached condominium concept provides its residents with the benefits of single-family homeownership while also conferring on them the benefits of shared community living.
- Provides access to adjacent natural resources, open space, onsite recreational facilities through the dedication of nearly one-half of the property to open space that will interconnect with a regional trail system.
- Installation of storm water pollution control systems pursuant to the municipal storm water permit issued by the Regional Water Quality Control Board (RWQCB).

3.0 EXISTING CONDITIONS

The property is currently unimproved land bordered to the south by an existing single family residential development. The site lies just to the east of Interstate 215 and to the north of the US 60/I-215 interchange. The site had previously been entitled for a single-family residential development (Tract 33626) in 2007 but those entitlements expired.

The topography of this site has two naturally defined areas. The lower lying area, which generally contains slopes under 15% and the mountainous area which consists of slopes greater than 25%. The site generally slopes from northeast to southwest (See **Exhibit C – USGS Topographic Map**). The property is located within Flood Zone 'X' (areas determined to be outside of the 100-year and 500-year floodplain) Refer to **Exhibit D – FIRM Map** (Map No. 06065C0733G, dated August 28, 2008).

Per the General Plan, the property currently has land use designations of Residential Max 2DU/AC (R2) and Hillside Residential (HR). (Refer to **Exhibit E – General Plan Map** and **Exhibit F – Zoning Map**)

Transportation corridors and area circulation will be developed in conformance with the City of Moreno Valley's General Plan. Refer to **Exhibit G – Area Circulation Map** for a representation of the major roadways in the areas of the subject site.

4.0 RELATIONSHIP TO SURROUNDING PROPERTIES

The surrounding properties in the area include vacant land, existing single-family homes, and hillside. A majority of the vacant land adjacent to this project are contained within the Gateway Center Specific Plan, in the unincorporated area of Riverside County, to the west of the project. This Specific Plan contains densities from 5du/acre to 16du/acre as well as a school site bordering Morton Road to the west. (See **Exhibit H – Gateway Specific Plan**) To the north and east are areas zoned as Hillside Residential in the City of Moreno Valley and Conservation in the County of Riverside, to the east and south of the project there are eight existing single-family homes. (See **Exhibit I – Surrounding Jurisdictions**)

The surrounding General Plan land use designations are as follows:

- North: Hillside Residential (HR) & Conservation (County of Riverside)
- South: Residential Max. 5du/acre (R5)
- East: Hillside Residential (HR)
- West: Gateway Center Specific Plan (County of Riverside)

The surrounding existing land uses are as follows:

- North: Vacant
- South: Single Family Residences
- East: Vacant
- West: Vacant

5.0 PRELIMINARY DEVELOPMENT PLAN

The Gateway Heights development is intended as a planned residential community offering innovative cluster housing options in the lower lying portion of the site and open space on the remainder of the site. The development will include a community park, open space and a common community design identity. This development plan coupled with the unique location of this property will provide multiple housing alternatives for both entry-level buyers, young families, and retirees, as well as student and faculty for the University of California-Riverside.

As mentioned above, the R10 designated area of Gateway Heights will be clustered on 16.59 acres of the property and will contain 108 units located near the center of the development area. This gives the property a density of 3.37 units per acre with a clustered density of 6.51 units per acre. This density is well within allowances of the proposed General Plan designation of R10 (10 units per net acre). The remaining 15.97 acres will be changed to Open Space (OS) and designated for conservation. In addition to the open space, the project will also provide a 0.89 acre community park located in the center of the development. (Refer to **Exhibit J – Open Space/Park Plan**)

The residential uses within the Gateway Heights development will consist of cluster units in varying sizes ranging from 4-unit to 10-unit clusters. This development will be subject to the requirements in Chapter 9.03.040 (Residential Site Development Standards) and 9.03.060 (Planned Unit Developments) of the City of Moreno Valley's municipal code.

5.1 Cluster Design

These units will contain 4-unit to 10-unit auto court product on pad sizes ranging from 7,674SF to 16,254SF. (Refer to **Exhibit K – Cluster Detail**) These cluster units are arranged with garages facing a common driveway as to enhance the aesthetic views of the project from the street and perimeter. The purpose of this design concept is to ensure architectural continuity and compatibility throughout the project utilizing the following design criteria:

- Provide front door access to open space/courtyard for inside units and street access for outside units.
- Provide garage access at common private street
- Use enhanced elevations for homes facing the public street.
- Provide patios or balconies to enhance architectural styles and increase private open space.
- Consider additional building articulation through recessed garage doors, recessing or cantilevering second stories and varying roof pitches.

(Refer to **A-1.3 thru A-3.4 – Conceptual Floor Plans/Elevations**)

5.2 Alternative Design Standards

This planned unit development for the Gateway Heights project contains various design alternatives that differ from the standard R10 design standards in order to promote the objectives stated above in Section 2. As allowed in the City of Moreno Valley’s Municipal Code Section 9.03.060.G, planned unit developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height.

5.2.1 Lot Coverage

The Gateway Heights project contains 13 development pad areas varying in size from 7,674 to 16,254 square feet. The cluster development will be exclusively contained within these development pads and the pads will have a maximum building coverage of 65%. The remaining pad area shall contain driveways, sidewalks and landscaping.

5.2.2 Building Setbacks

Front/Street Side setback = 5’ to ROW

Minimum building separation = 6’

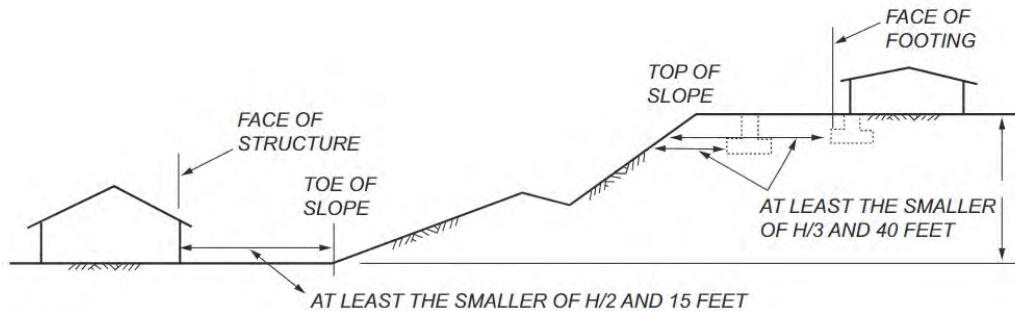
Side setback to toe/top of slope = 5’ Min*

Rear setback to toe/top of slope = 5’ Min*

*-For buildings located at the top or toe of slope, the minimum building setback shall be determined by the California Building Code Section 1808.7 which states that buildings at the toe of slope shall be at least the smaller of H/2 or 15’ from the toe of slope. Buildings at the top of slope shall be at least the smaller of H/3 or 40’ from the top of slope.

Example: 20’ Slope Height = 10’ setback at toe of slope (20/2)

20’ Slope Height = 7’ setback at top of slope (20/3)



For SI: 1 foot = 304.8 mm.

FIGURE 1808.7.1 FOUNDATION CLEARANCES FROM SLOPES

Attachment: Gateway Heights PUD - 1 of 3 (6350 : Gateway Heights Tract 38459)

5.2.3 Building Height

Building heights for the two story units will not exceed 30' in height.

5.2.4 Street Sections

The streets within the Gateway Heights PUD will be private streets maintained by the project's Homeowner Association. These streets will be constructed based on the City of Moreno Valley's Local Street section MVSI-107A-0. Street A and Street C will be constructed using a modified section which eliminates the sidewalk and landscape area along the project perimeter. The purpose for these modified sections is to preserve the natural landscape along the perimeter of the project. With the elimination of these sidewalks, a pedestrian crossing has been located at approximately mid-block of Street B to provide ADA access to the units on the north side of Street B. (Refer to **Exhibit L – Street Section Details**)

TABLE 1

GATEWAY HEIGHTS DEVELOPMENT STANDARDS	
Max Building Height	30'
Min Front/Street Setback	5'
Min Bldg separation	6'
Min. Side setbacks	5'*
Min. Rear setbacks	5'*
Max Development Pad Coverage	65%

5.3 Fire Protection Plan

The Gateway Heights project has developed a Fire Protection Plan in conjunction with the development to increase safety measures and mitigate any fire hazards for the project. The mitigations include providing two 36'+ wide roadways at the entrance to minimize any potential traffic congestion during an emergency setting. One roadway would be used for ingress and the other for egress. The site also includes an internal looped road system allowing traffic circulation in either direction. Direct access shall be provided to all structures and no dead-end fire apparatus access roads are contained onsite. The project has also developed a Preliminary Fuel Modification and Vegetation Management plan for the site which includes requirements for landscape materials to reduce non-fire-resistant vegetation. (Refer to **Appendix 1**) A Final Fuel Modification Plan will be required as part of the Final Design submittals for approval prior to obtaining a Grading Permit.

Attachment: Gateway Heights PUD - 1 of 3 (6350 : Gateway Heights Tract 38459)

5.4 Community Park & Landscape Buffers

This project will contain a community park space area, approximately 0.89 acres in size and with various elements for recreation. This community park will be located near the center to the subdivision allowing easy access to all residents. This park space may contain amenities such as BBQ and picnic areas, ramadas, tot lot, dog park and turf areas for additional gathering and activities. The park will be owned and maintained by the project's Homeowners Association. In addition to the community park, this project will also incorporate landscaped buffer areas throughout the project and along the project's perimeter. These landscape areas will also be maintained by the Homeowners Association and subject to the requirements of the Fire Protection Plan.

5.4.1 General Guidelines

- All landscape shall conform to Ordinance No. 859.2 and County of Riverside Guide to California Friendly Landscaping.
- All planting areas shall be irrigated with an automatic irrigation system and an ET based controller, per Ordinance 859.2.
- All planting areas shall receive three inches (3") of shredded bark mulch and one and a half inches (1-1/2") on ground cover from flats.
- All trees within six feet (6') of any hardscape shall receive thirty-six inch (36") deep, by twenty inch (20") long linear root barrier.
- All slopes three feet (3') in vertical height or greater shall be planted with shrubs and trees and irrigated per the Riverside County requirements for slope erosion control landscaping. Slopes to meet building and safety requirements.
- Landscaping shall consist of a combination of trees, shrubs and groundcover as listed in the California Friendly Plant List provided by the County.

5.5 Entry Monuments, Walls & Project Theme

The primary entry for the community will be located at the intersection of "Street A" and Morton Road. The elevated topography of the Gateway Heights project will make it a predominant development near the I-215 freeway. As such, it is important to minimize the walls and fences that could impact the views from the street or surrounding areas. The Gateway Heights project will contain no walls on the interior of the project. The perimeter of the project will consist of decorative view walls and/ or tubular steel fencing. Perimeter wall and fence materials, designs, and colors will carry on the project's theme established by the project's monument signage and landscaping. Wall and fence heights will be limited to a maximum height of six (6) feet, except where necessary for noise attenuation or additional retaining wall. Decorative pillars and pedestals may extend up to an additional fourteen (14) inches above the maximum wall or fence heights. (Refer to **Exhibit M – Conceptual Wall & Fence Plan**) Materials, colors, and construction methods for theme, view and accent walls are

subject to some variation, so long as the proposed character and theme of the walls is preserved and per the approval of the Planning Department.

While in some areas of the development, units may have retaining walls the majority of the development will not be separated by neighborhood walls at the rear or side yards.

5.5.1 General Guidelines

- All walls and fences should maintain a six foot (6') maximum height limit, except where larger walls are necessary for noise attenuation or retaining purposes.
- If walls or fences end in a pilaster, the design of the pilaster should reflect the shape of the supports used in the entry monuments and use similar materials.
- When changes in pad elevation occur, the wall or fence should be stepped in equal vertical intervals.
- Where gates are required, they shall be constructed of wrought iron, vinyl or tubular steel. Chain link fencing is not permitted. All construction must be of good quality and sufficient durability. (Applicants shall provide specifications which shall be approved by the Planning Department)
- All wall and fence plans and materials must conform to City of Moreno Valley guidelines.

5.6 Perimeter Yard Landscaping

Perimeter yard landscaping is required around all cluster pads and unless approved by the Planning Department, will be provided by the developer/home builder. Perimeter yard landscaping provided by the developer/builder or their representative must be installed within one month of closing of the first unit. A variety of perimeter yard landscape packages with automatic irrigation systems shall be provided; landscaping designs with berming, river run features, courtyards, lighting, or other creative features shall be offered for standard landscape design.

5.7 Private Open Space

Private Open Space may include land within each residential unit that is available for private use. This private open space is typically considered yard, patio or balcony area that is available for private recreation. It is recognized that while the community park provides an easily accessible active recreational opportunity for all residents of the development, each residence must have adequate private outdoor space that can be an effective extension of the indoor living space and be used for passive outdoor activities such as gardening, reading, eating and barbequing. Per Moreno Valley Municipal Code Section 9.03.040.G.8, each unit shall have at least one hundred and fifty (150) square feet of private open space.

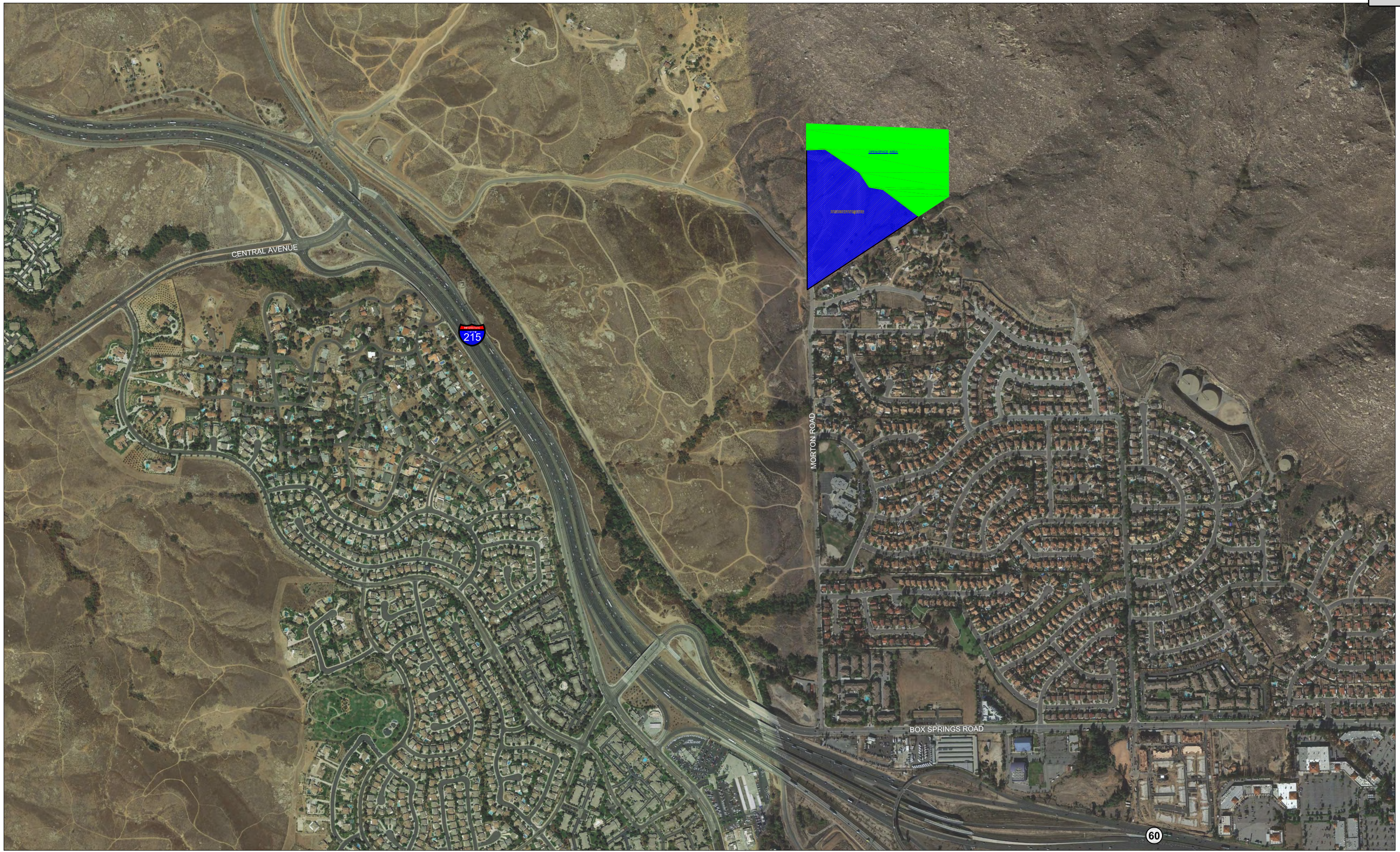
This open space may be achieved through the use of patio or balcony spaces. First floor patio space shall have a minimum dimension of 8' and upstairs balconies must have a minimum dimension of 5'. Patio designs may include alternatives to traditional fencing, such as garden walls, small retaining walls or landscaping which delineates the space between units.



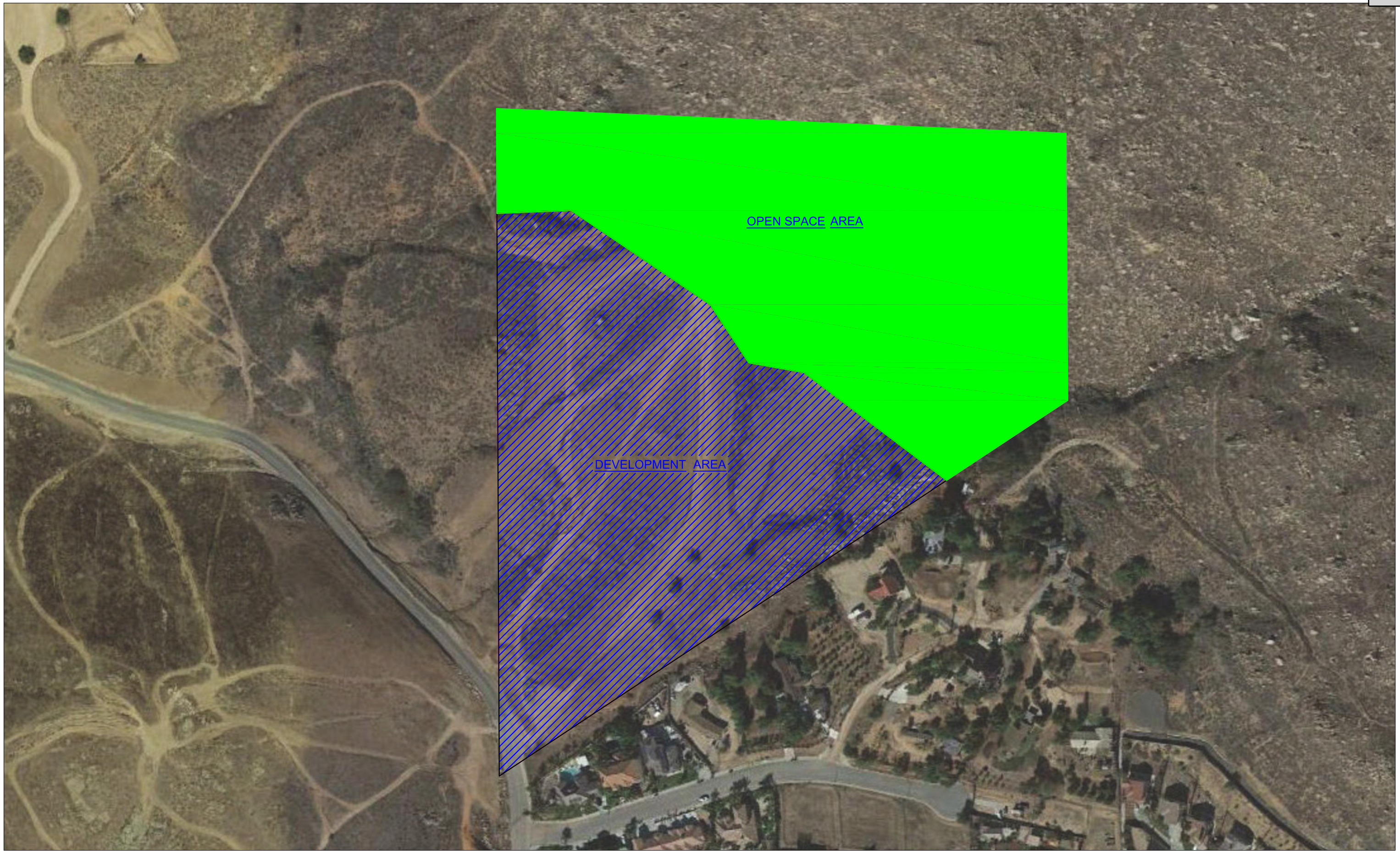
Figure 1 - Galvanized steel rock garden wall

EXHIBITS

Attachment: Gateway Heights PUD - 1 of 3 (6350 : Gateway Heights Tract 38459)



Attachment: Gateway Heights PUD - 1 of 3 (6350 : Gateway Heights Tract 38459)



OPEN SPACE AREA

DEVELOPMENT AREA

DEVELOPMENT AREA

GATEWAY HEIGHTS

MORENO VALLEY, CALIFORNIA

NOT TO SCALE 





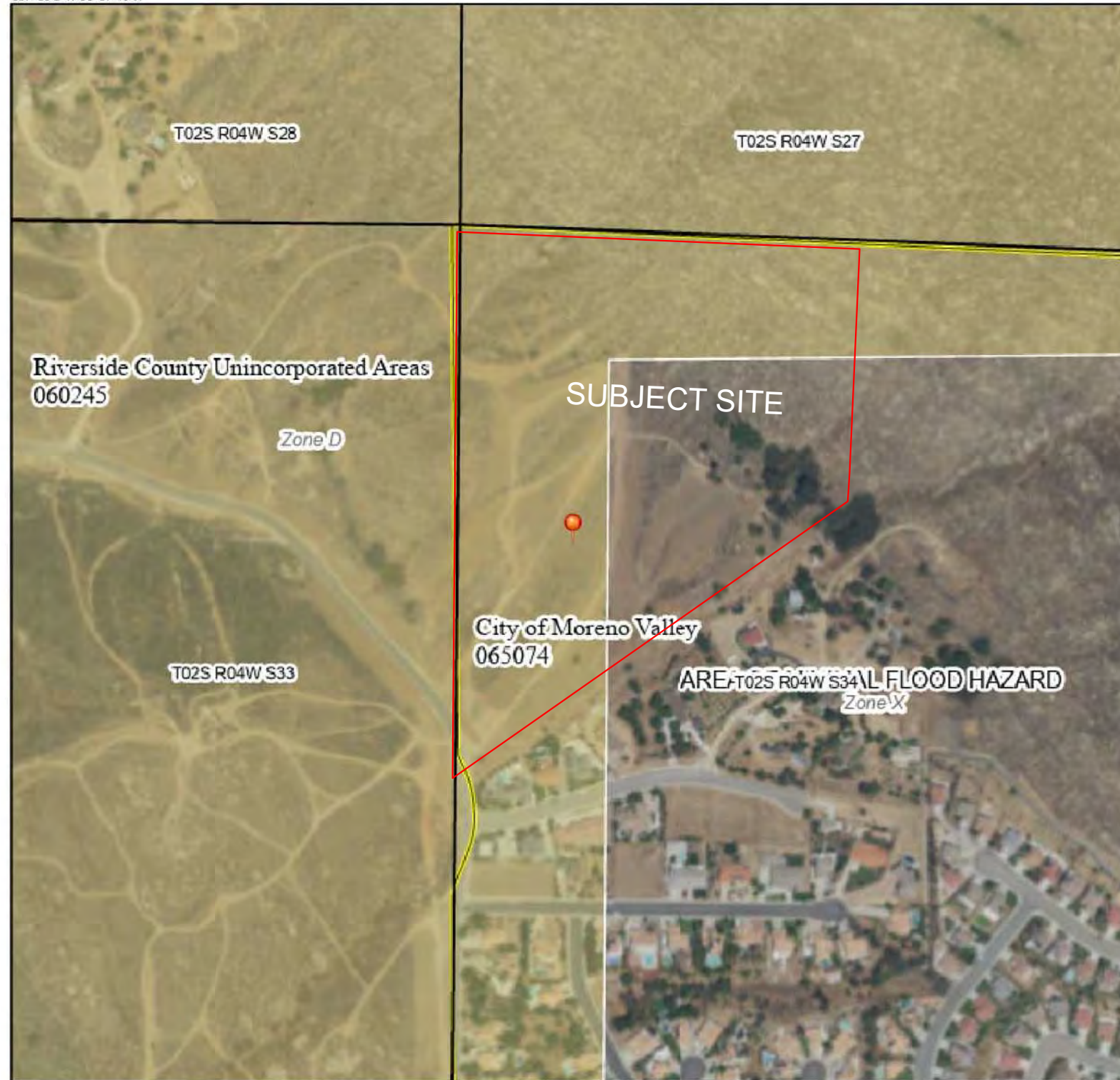
Attachment: Gateway Heights PUD - 1 of 3 (6350 : Gateway Heights Tract 38459)



National Flood Hazard Layer FIRMette



117°18'2"W 33°57'46"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000
 Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020
 117°17'25"W 33°57'16"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The base map shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/22/2021 at 11:51 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

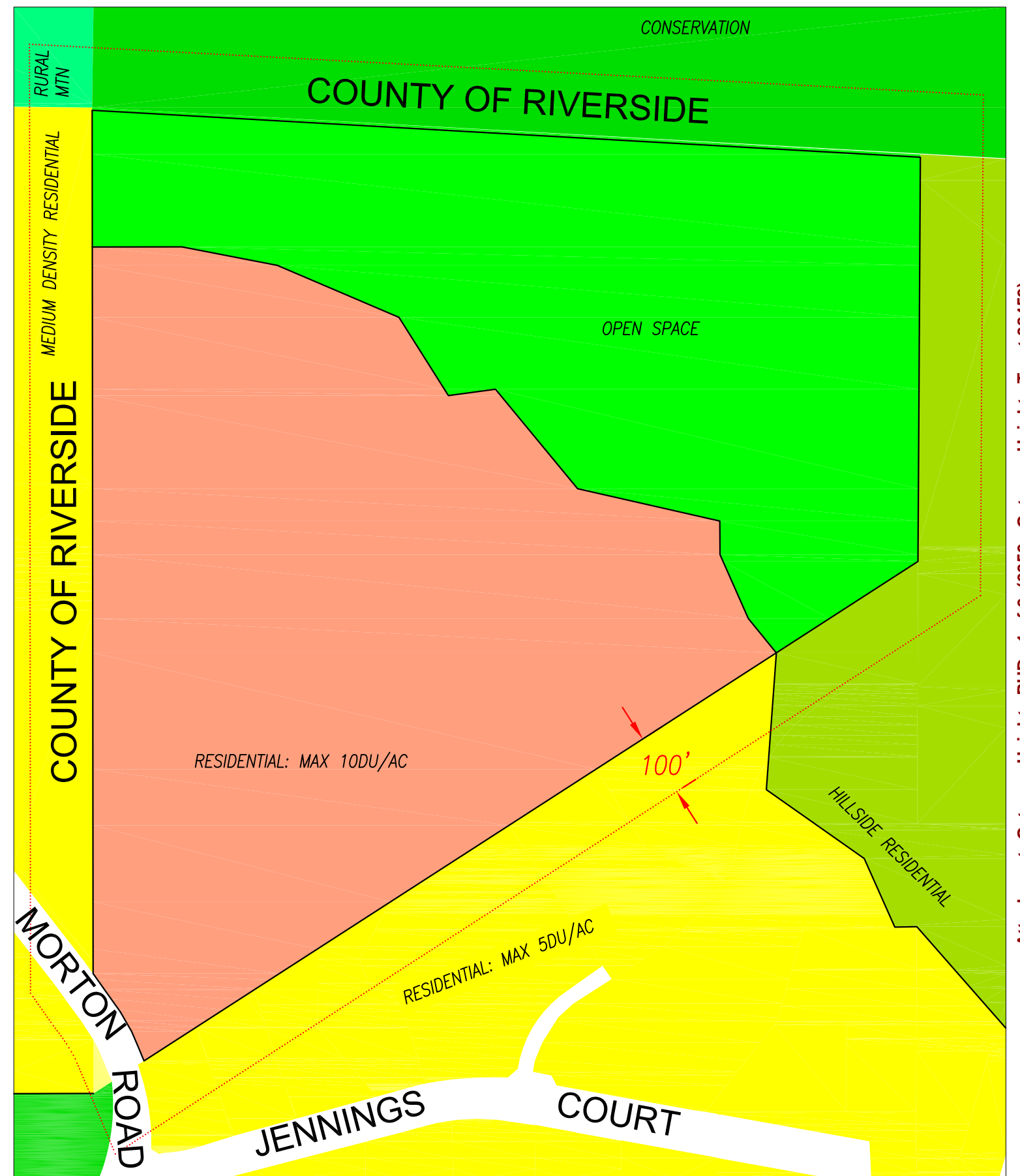
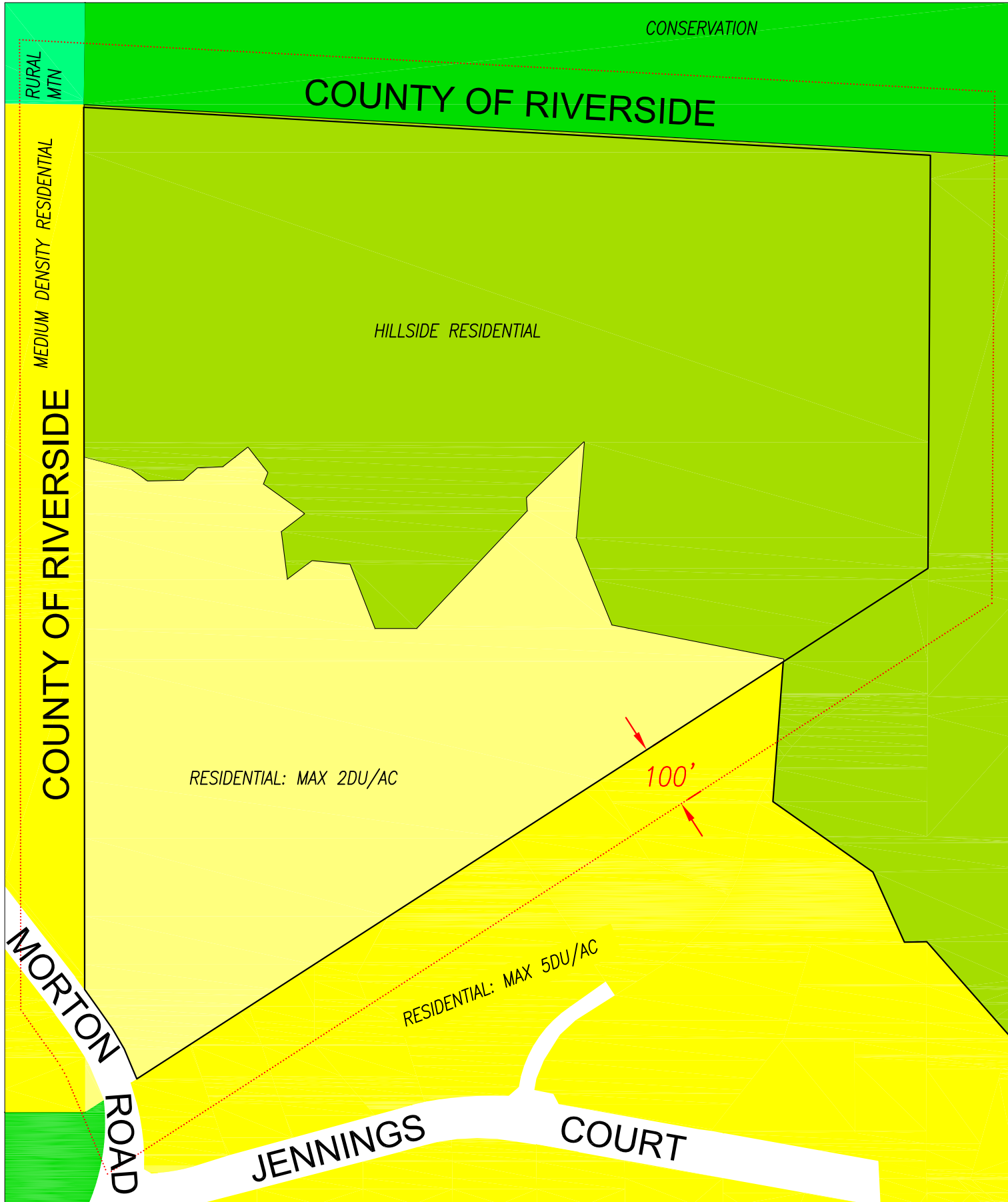
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Attachment: Gateway Heights PUD - 1 of 3 (6350 : Gateway Heights Tract 38459)



EXISTING GENERAL PLAN

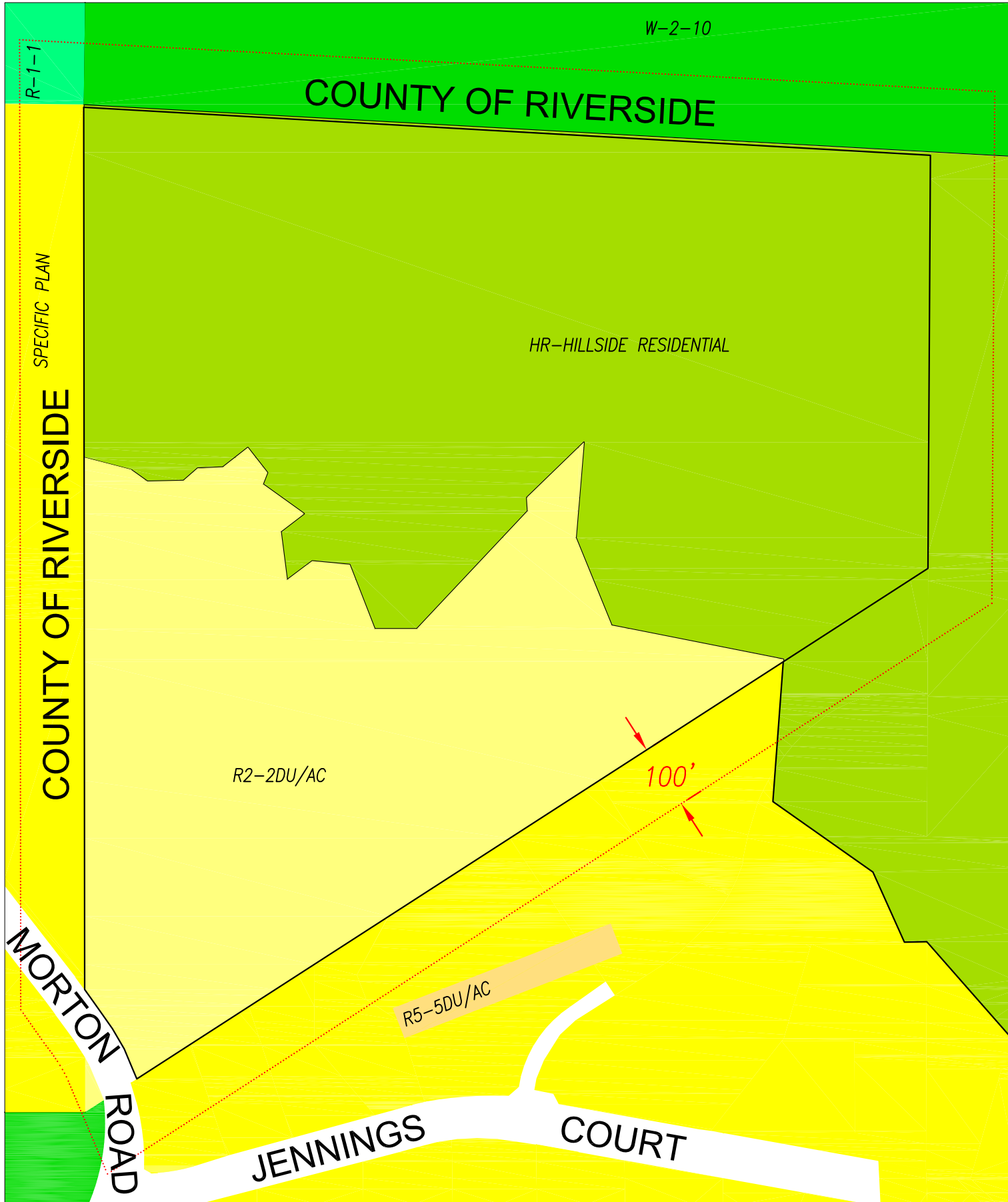
PROPOSED GENERAL PLAN



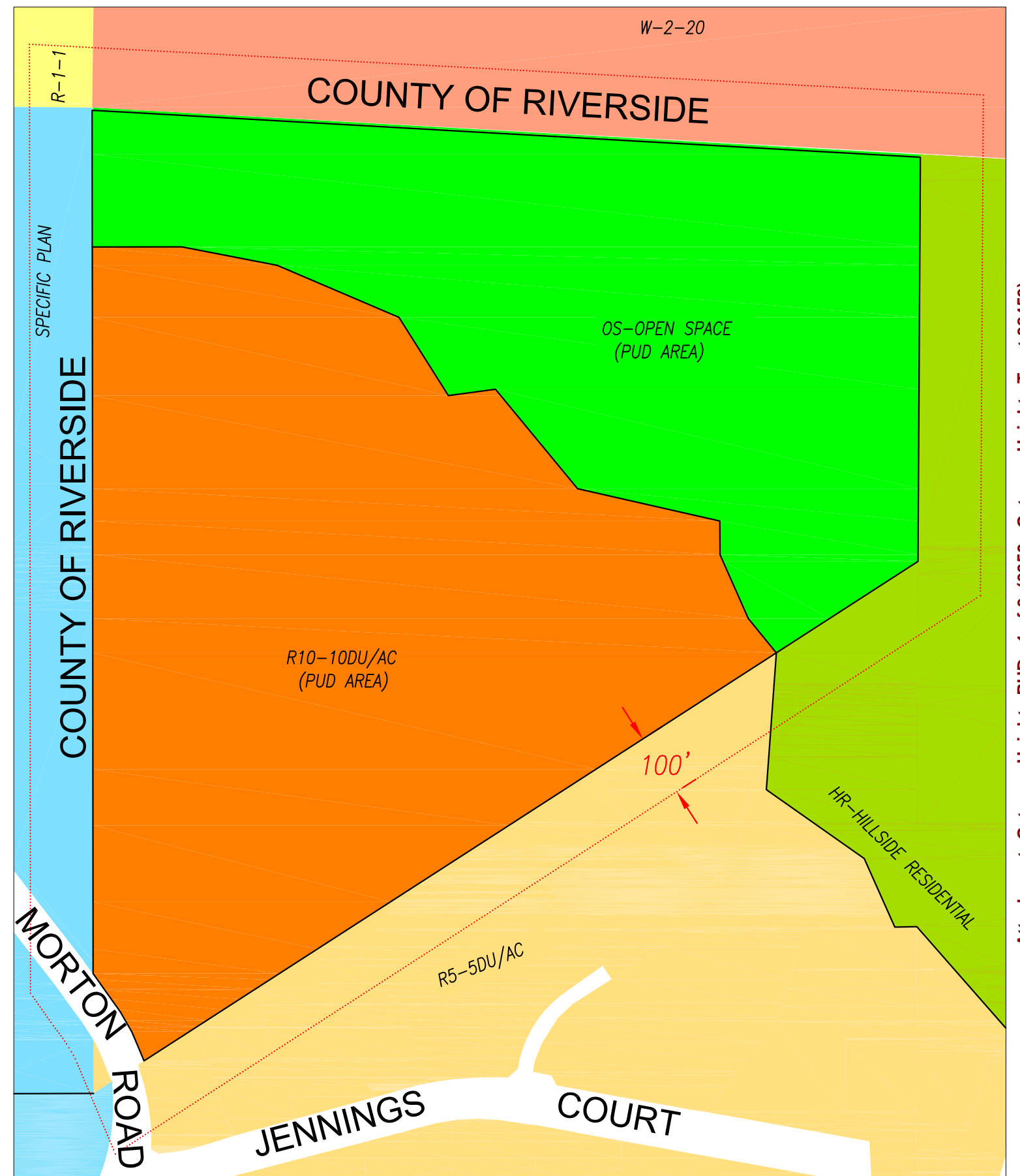
Attachment: Gateway Heights PUD - 1 of 3 (6350 : Gateway Heights Tract 38459)



EXISTING ZONING

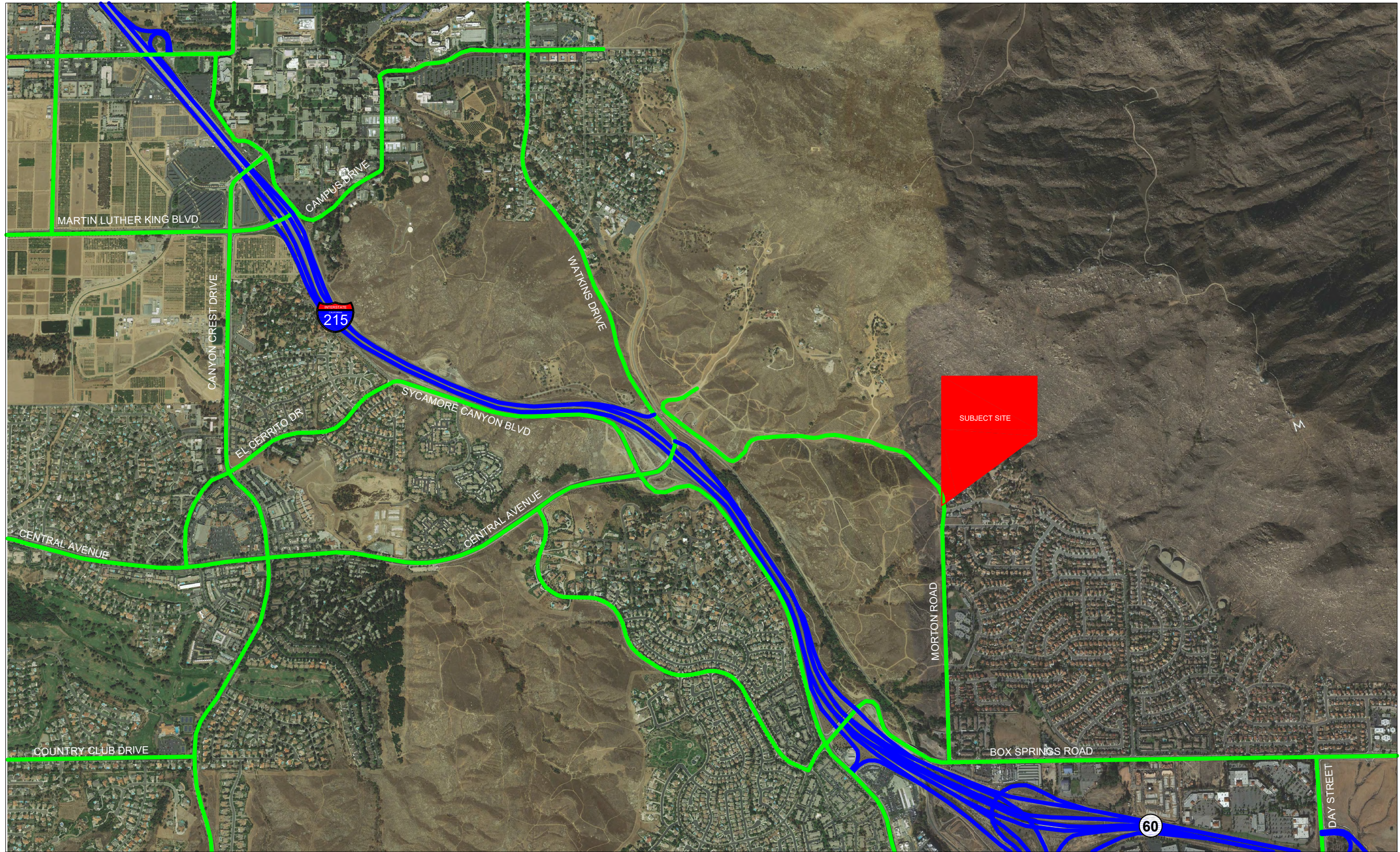


PROPOSED ZONING



Attachment: Gateway Heights PUD - 1 of 3 (6350 : Gateway Heights Tract 38459)





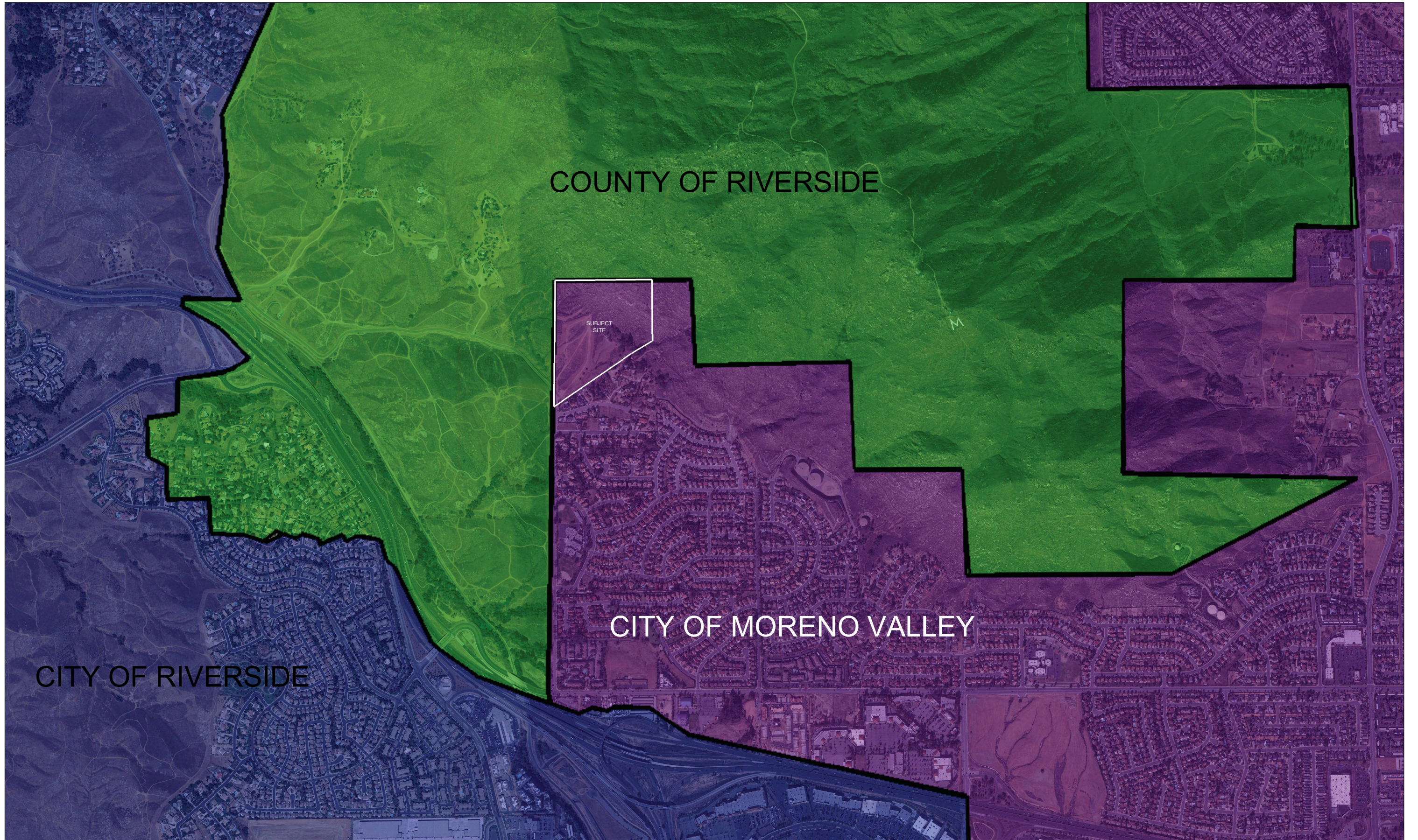
Attachment: Gateway Heights PUD - 1 of 3 (6350 : Gateway Heights Tract 38459)





Attachment: Gateway Heights PUD - 1 of 3 (6350 : Gateway Heights Tract 38459)





COUNTY OF RIVERSIDE

SUBJECT SITE

CITY OF MORENO VALLEY

CITY OF RIVERSIDE

Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)





OPEN SPACE/PARK PLAN

GATEWAY HEIGHTS

MORENO VALLEY, CALIFORNIA

NOT TO SCALE



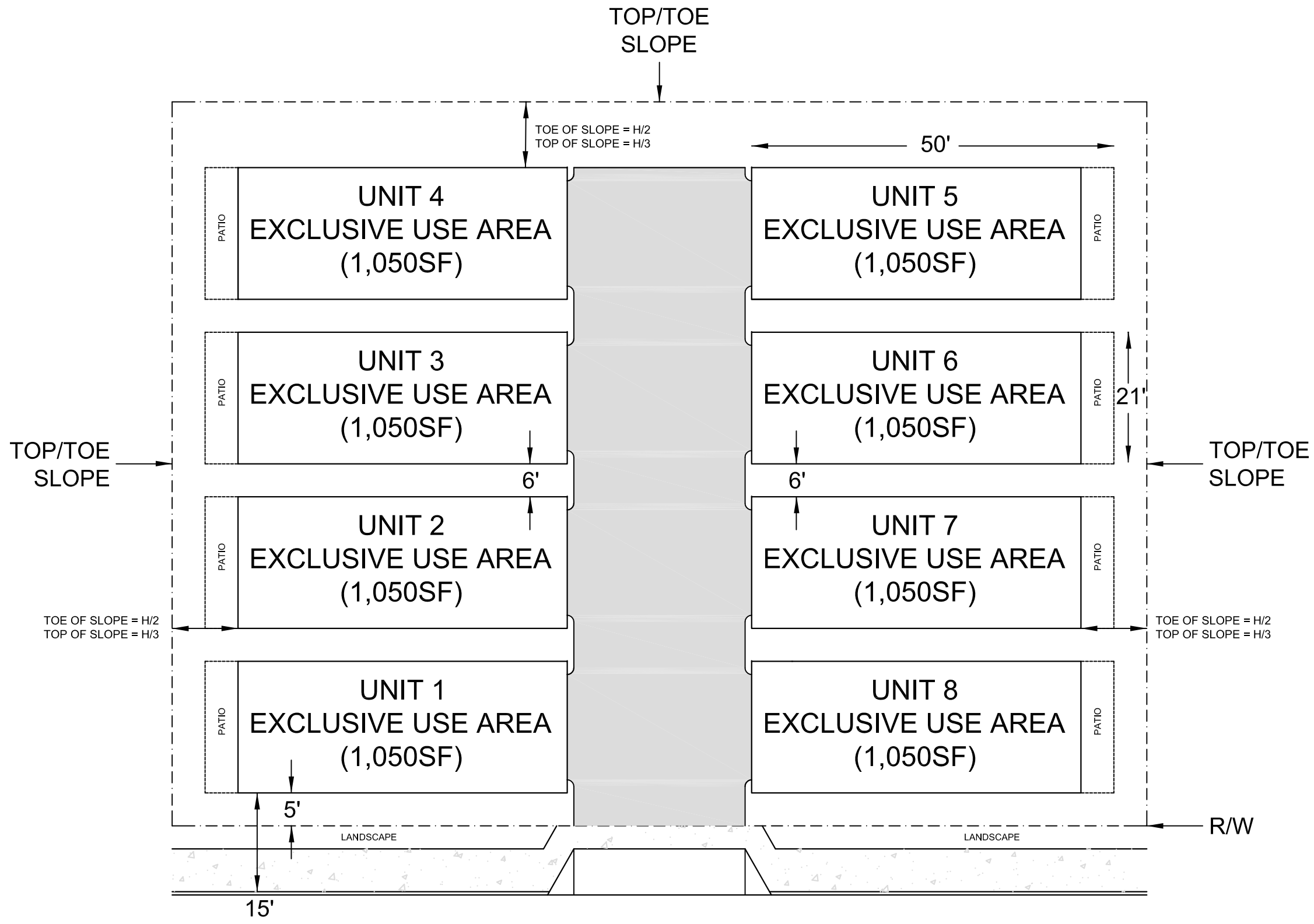
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engineering
group

Packet Pg. 276

EXHIBIT J

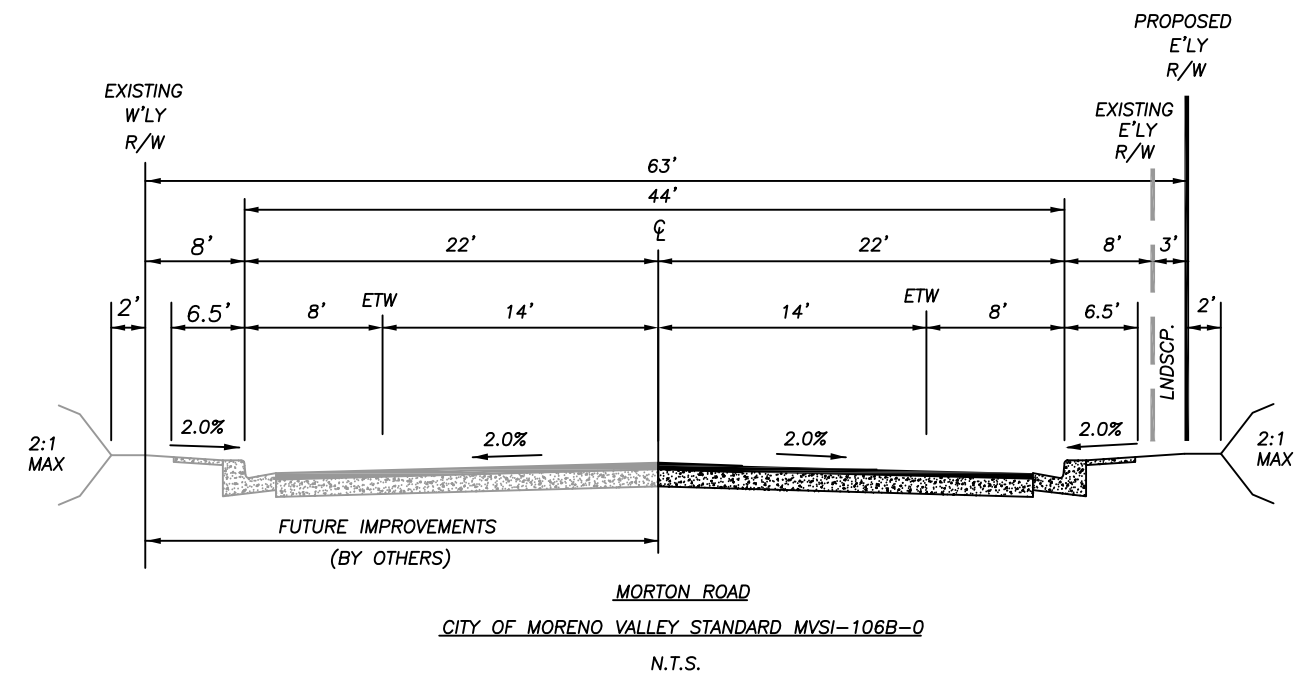
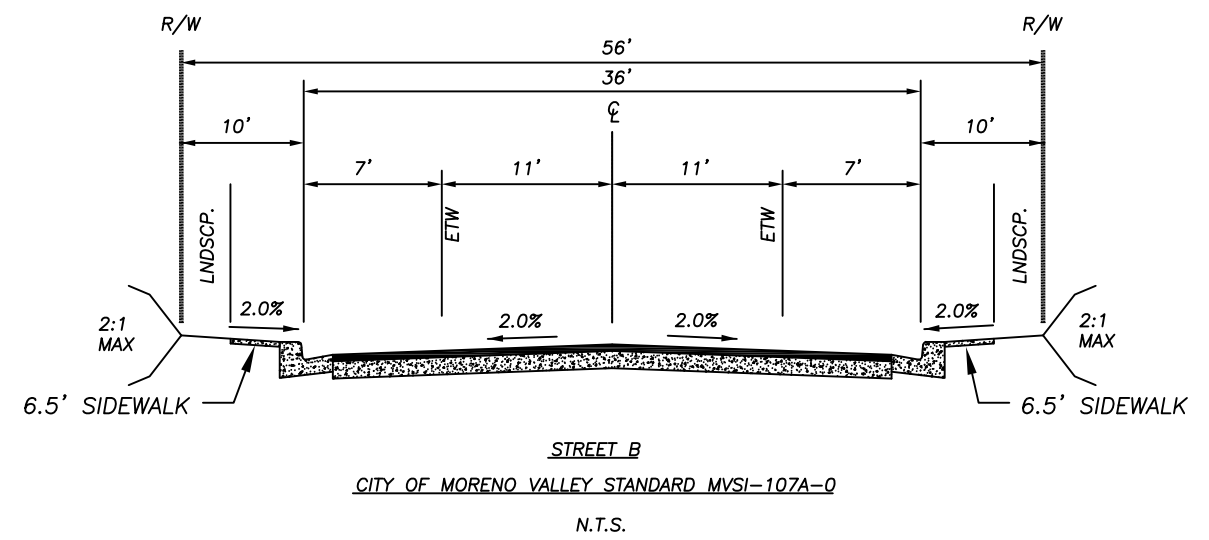
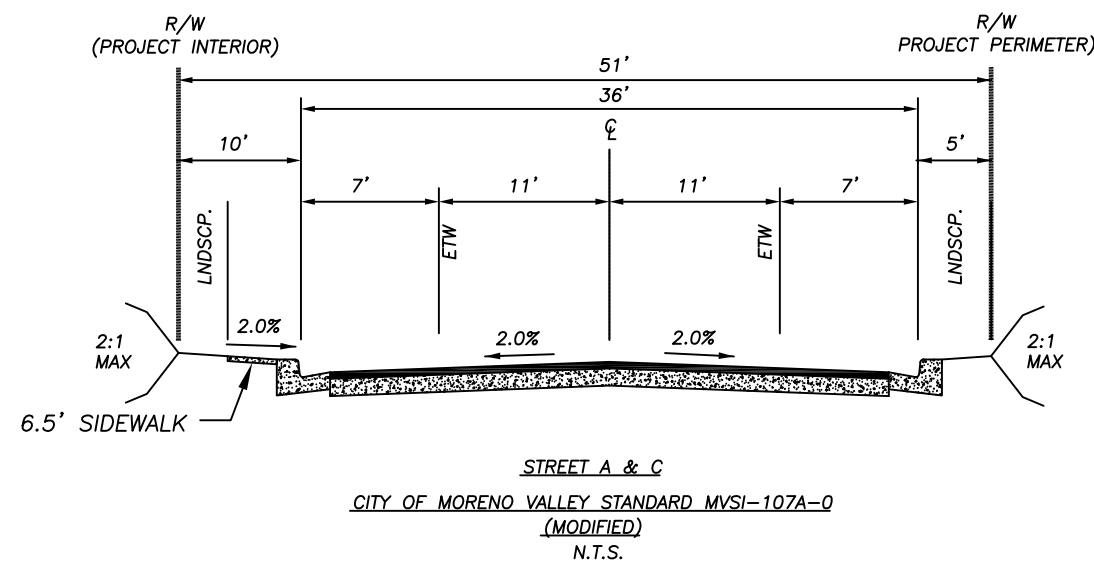
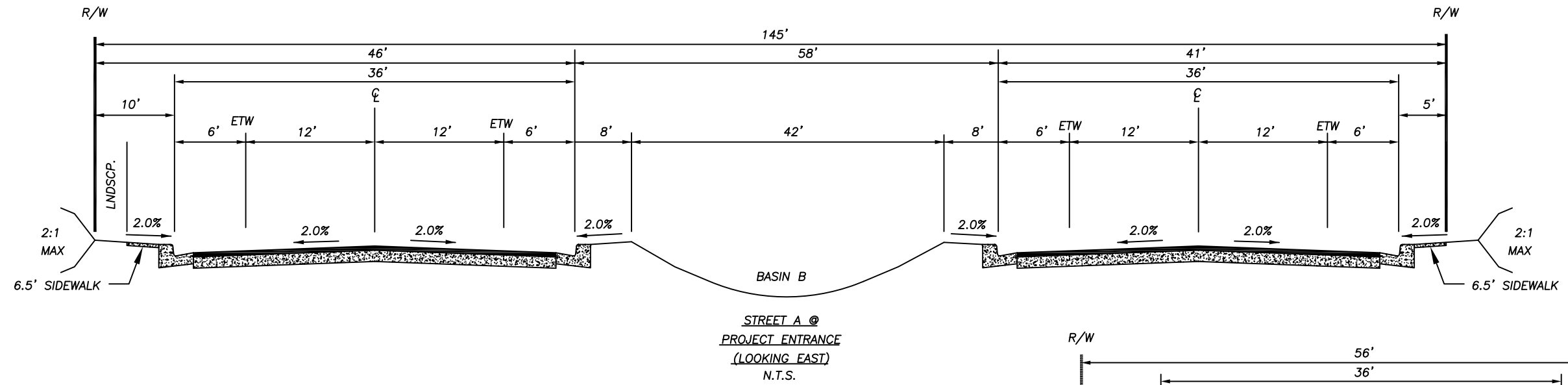
Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

TYPICAL CLUSTER DETAIL



Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)





Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

STREET SECTION DETAILS

GATEWAY HEIGHTS

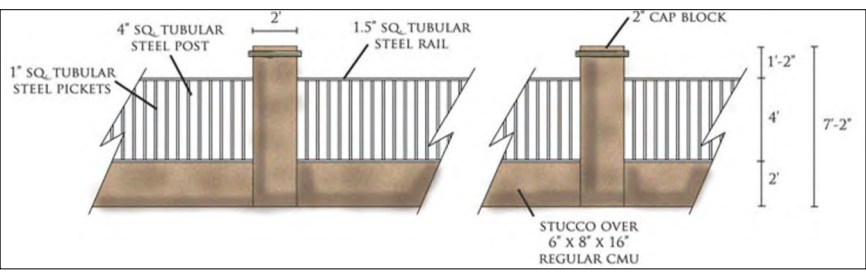
MORENO VALLEY, CALIFORNIA

NOT TO SCALE



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EXHIBIT L



VIEW FENCE DETAIL



ENTRY FEATURE DETAIL

CONCEPTUAL WALL / FENCE PLAN

GATEWAY HEIGHTS

MORENO VALLEY, CALIFORNIA

NOT TO SCALE



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Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

FLOOR PLANS/ELEVATIONS

Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

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Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

Gateway Heights
 Moreno Valley, USA

PROJECT INFO

NUMBER: 2019

DRAWER: MLK

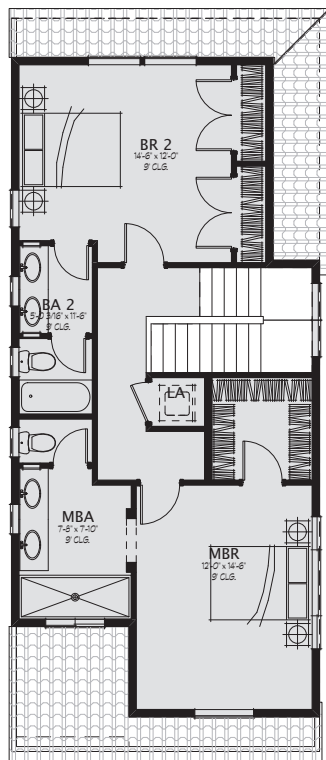
DATE: S/JW

DATE: 9/29/22

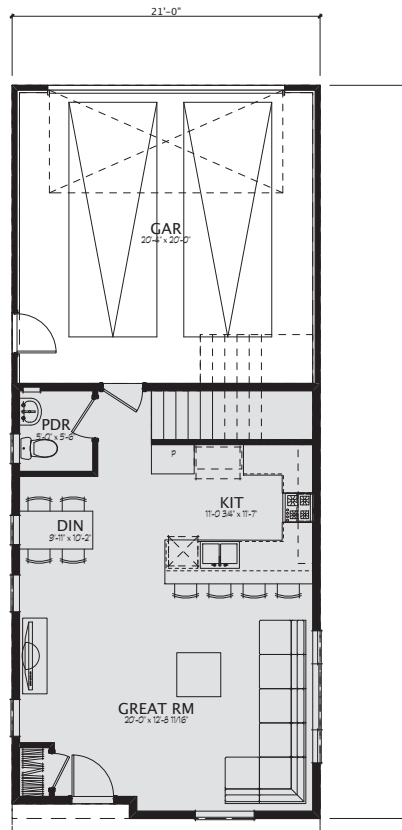
SHEET TITLE

**PLAN 1
 FIRST FLOOR PLAN A**

SHEET NUMBER
A-1.01



① **PLAN 1A SECOND FLOOR 785 sq ft**



① **PLAN 1A FIRST FLOOR 615 sq ft**
TOTAL 1400 sq ft
 2 BEDROOM, 2.5 BATHS

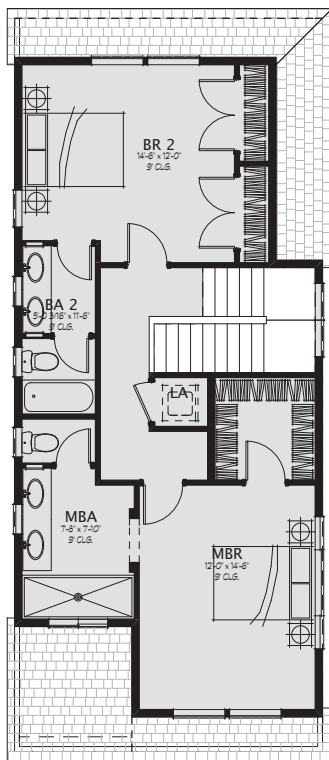
Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

GARDENVIEW, CA 92110
Gateway Heights
Moreno Valley, USA

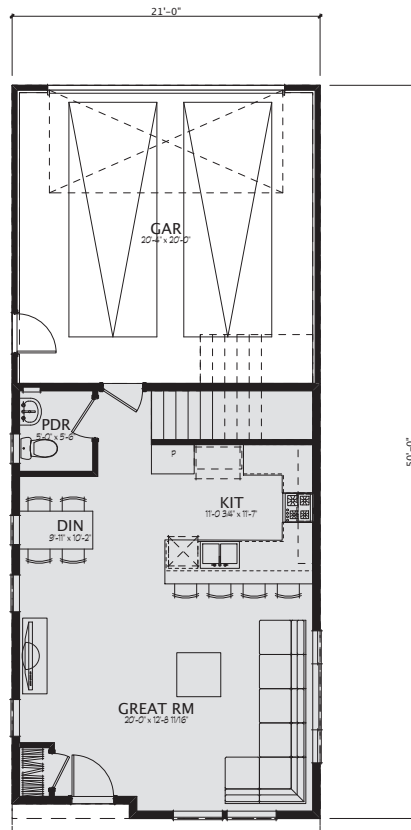
PROJECT INFO	
NUMBER:	2019
DRAWER:	PLK
DATE:	S/JW
DATE:	9/28/22
SHEET TITLE	

PLAN 1
OR PLAN B

SHEET NUMBER
A-1.02



1 PLAN 1B SECOND FLOOR 785 sq ft



1 PLAN 1B FIRST FLOOR 615 sq ft
TOTAL 1400 sq ft
2 BEDROOM, 2.5 BATHS

LEGEND:

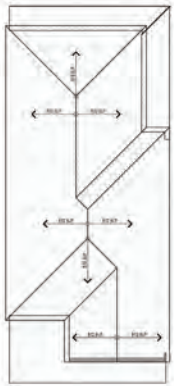
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- 3 STUCCO FOAM BASE
- 4 STONE VENEER
- 5 STUCCO TRIM CAP
- 6 SHUTTERS
- 7 FASCIA
- 8 STUCCO DOOR & WINDOW TRIM
- 9 STUCCO CORNICE
- 10 BOARD & BATTION TRIM
- 11 DECORATIVE BRACKET
- 12 STUCCO TRIM
- 13 STUCCO TRIM & RAFTER TAILS
- 14 DECORATIVE VENT
- 15 STUCCO FOAM BILL
- 16 GARAGE DOOR
- 17 GARAGE SIDE DOOR
- 18 CORBEL



1 PLAN 1A RIGHT ELEVATION



1 PLAN 1A REAR ELEVATION



1 ROOF PLAN 1 A



1 PLAN 1A LEFT ELEVATION



1 PLAN 1A FRONT ELEVATION

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REVISION

REVISIONS, CA 97110
Gateway Heights
 Moreno Valley, USA

PROJECT INFO	
YEAR:	2019
OWNER:	PK
DATE:	3/29/22

**PLAN 1
 EXTERIOR ELEVATIONS "A"
 SANTA BARBARA**

**SHEET NUMBER
 A-1.03**

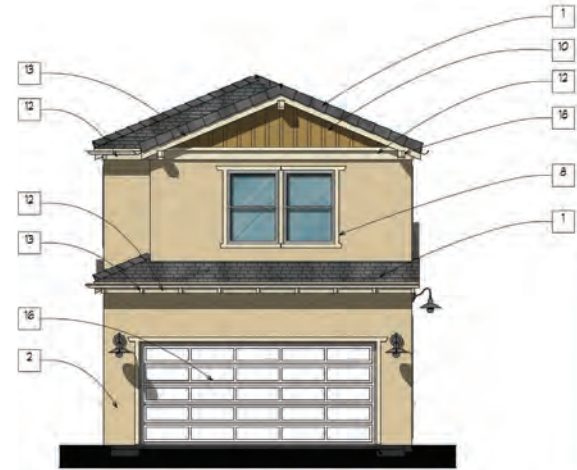
Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

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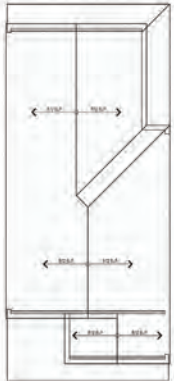
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- 8 STUCCO DOOR & WINDOW TRIM
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- 10 BOARD & BATTION TRIM
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- 16 GARAGE DOOR
- 17 GARAGE SIDE DOOR
- 18 CORBEL



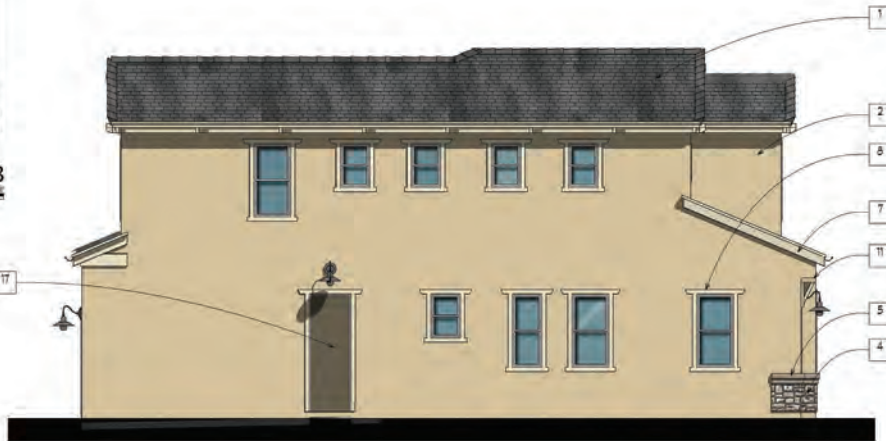
1 PLAN 1B RIGHT ELEVATION



1 PLAN 1B REAR ELEVATION



1 ROOF PLAN 1B



1 PLAN 1B LEFT ELEVATION



1 PLAN 1B FRONT ELEVATION

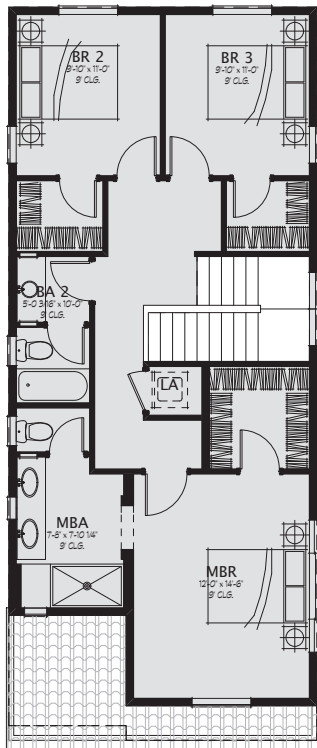
Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

REVISION

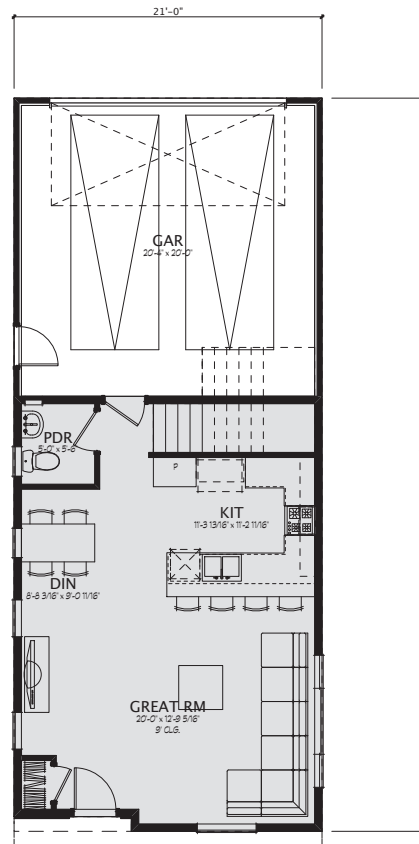
Pasadena, CA 91103
Gateway Heights
 Moreno Valley, USA

PROJECT INFO	
YEAR:	2019
DRAWN BY:	PLK
DATE:	3/29/22

SHEET TITLE
PLAN 1
EXTERIOR ELEVATIONS "B"
RN FARMHOUSE
 SHEET NUMBER
A-1.04



2 PLAN 2A SECOND FLOOR 885 sq ft



2 PLAN 2A FIRST FLOOR 615 sq ft
TOTAL 1500 sq ft
3 BEDROOM, 2.5 BATHS

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Architecture & Planning
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San Diego, California 9214-6802
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Gateway Heights
Moreno Valley, USA

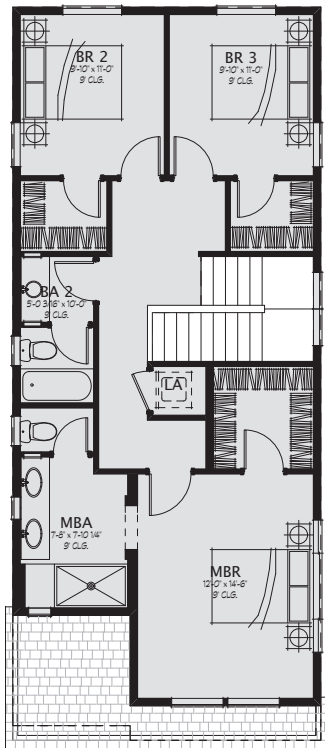
PROJECT INFO

NUMBER: 2019
DRAFTER: PLK
CHECKER: S/JW
DATE: 3/22/22

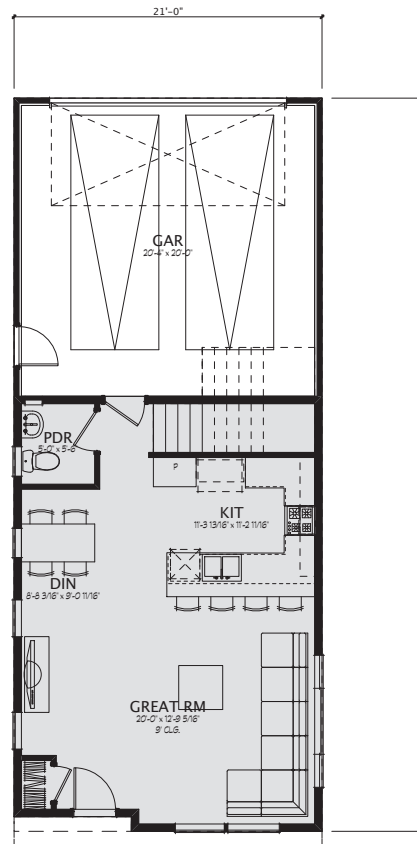
SHEET TITLE

PLAN 2
FOR PLAN 2A

SHEET NUMBER
A-2.1



2 PLAN 2B SECOND FLOOR 885 sq ft



1 PLAN 2B FIRST FLOOR 615 sq ft
TOTAL 1500 sq ft
3 BEDROOM, 2.5 BATHS

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Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

Folsom, CA 95630
Gateway Heights
Moreno Valley, USA

PROJECT INFO	
NUMBER:	2019
DRAWN BY:	PLK
CHECKED BY:	SJW
DATE:	3/22/22
SHEET TITLE	

PLAN 2
FOR PLAN 2B

SHEET NUMBER
A-2.2

LEGEND:

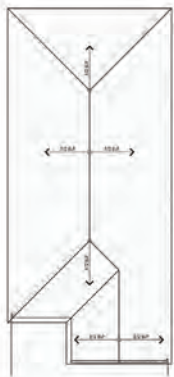
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- 3 STUCCO FOAM BASE
- 4 STONE VENEER
- 5 STUCCO TRIM CAP
- 6 SHUTTERS
- 7 FASCIA
- 8 STUCCO DOOR & WINDOW TRIM
- 9 STUCCO CORNICE
- 10 BOARD & BATTION TRIM
- 11 DECORATIVE BRACKET
- 12 STUCCO TRIM
- 13 RAFTER TAILS
- 14 DECORATIVE VENT
- 15 STUCCO FOAM BILL
- 16 GARAGE DOOR
- 17 GARAGE SIDE DOOR
- 18 CORBEL



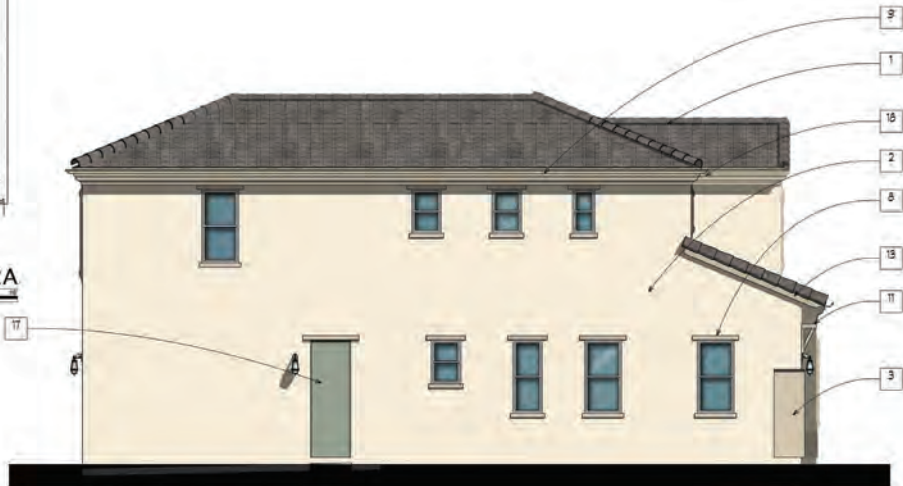
2 PLAN 2A RIGHT ELEVATION



2 PLAN 2A REAR ELEVATION



2 ROOF PLAN 2A



2 PLAN 2A LEFT ELEVATION



2 PLAN 2A FRONT ELEVATION

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Gateway Heights
 Moreno Valley, USA

Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

PROJECT INFO	
YEAR:	2019
OWNER:	PLC
DATE:	3/22/22

SHEET TITLE
**PLAN 2
 EXTERIOR
 ELEVATIONS "A"
 ITA BARBARA**

SHEET NUMBER
A-2.3

LEGEND:

- 1 ROOF
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- 3 STUCCO FOAM BASE
- 4 STONE VENEER
- 5 STUCCO TRIM CAP
- 6 SHUTTERS
- 7 FASCIA
- 8 STUCCO DOOR & WINDOW TRIM
- 9 STUCCO CORNICE
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- 12 STUCCO TRIM
- 13 RAFTER TAILS
- 14 DECORATIVE VENT
- 15 STUCCO FOAM BILL
- 16 GARAGE DOOR
- 17 GARAGE SIDE DOOR
- 18 CORBEL



2 PLAN 2B RIGHT ELEVATION



2 PLAN 2B REAR ELEVATION



2 ROOF PLAN 2B



2 PLAN 2B LEFT ELEVATION



2 PLAN 2B FRONT ELEVATION

Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

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 925 HILL NORTH, SUITE C
 CALIFORNIA 92614-6802
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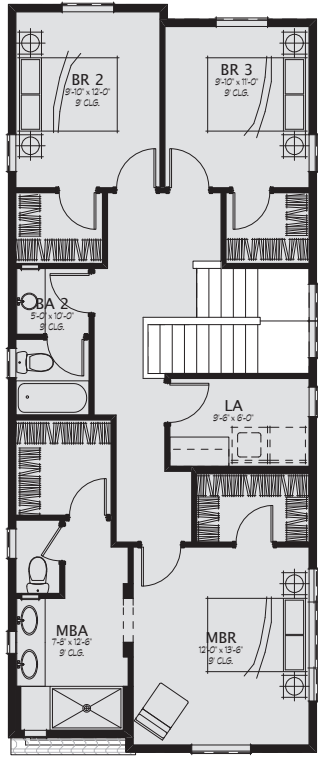
REVISION	

FARMHOUSE, CA 91103
Gateway Heights
 Moreno Valley, USA

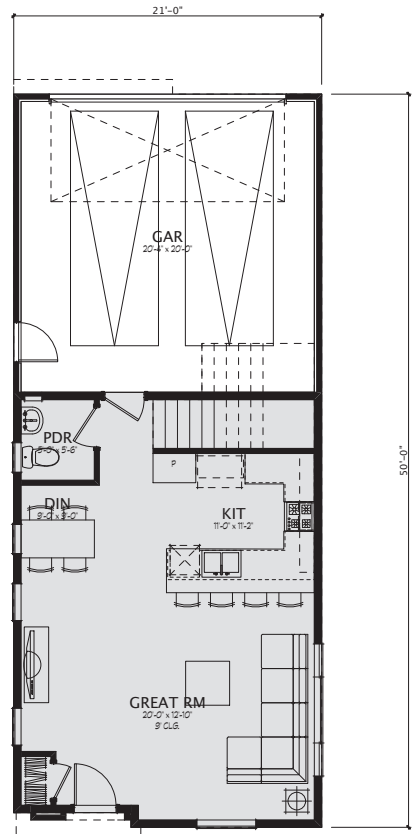
PROJECT INFO	
YEAR:	2019
SCALE:	PLC
DATE:	3/22/22

SHEET TITLE
**PLAN 2
 EXTERIOR
 ELEVATIONS "B"
 RN FARMHOUSE**

SHEET NUMBER
A-2.4



3 PLAN 3A SECOND FLOOR 987 sq ft



3 PLAN 3A FIRST FLOOR 615 sq ft
TOTAL 1602 sq ft
3 BEDROOM, 2.5 BATHS

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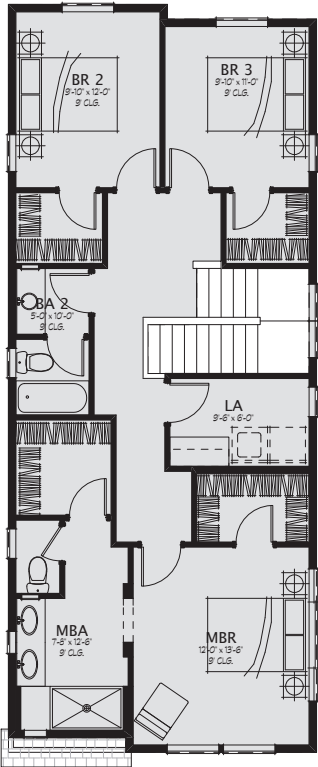
Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

Pasadena, CA 91105
Gateway Heights
Moreno Valley, USA

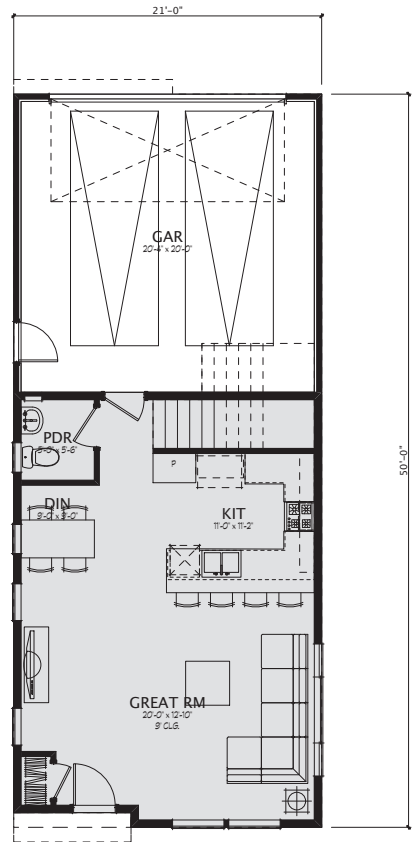
PROJECT INFO	
NUMBER:	2019
DRAWER:	PLK
DATE:	5/22/22

PLAN 3
GROSS PLAN A

SHEET NUMBER
A-3.01



3 PLAN 3B SECOND FLOOR 987 sq ft



3 FIRST FLOOR 615 sq ft
 PLAN 3B TOTAL 1602 sq ft
 3 BEDROOM, 2.5 BATHS

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 INTERNATIONAL, INC.
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 CALIFORNIA 92614-6802
 .1177 www.kriter.com
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Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

Pasadena, CA 91105
 Gateway Heights
 Moreno Valley, USA

PROJECT INFO	
NUMBER:	2019
DRAWER:	PLK
DATE:	5/11/19
DATE:	5/22/22

PLAN 3
 GROUND FLOOR PLAN B

SHEET NUMBER
A-3.02

LEGEND:

- 1 ROOF
- 2 STUCCO BODY
- 3 STUCCO FOAM BASE
- 4 STONE VENEER
- 5 STUCCO TRIM CAP
- 6 SHUTTERS
- 7 FASCIA
- 8 STUCCO DOOR & WINDOW TRIM
- 9 STUCCO CORNICE
- 10 BOARD & BATTION TRIM
- 11 DECORATIVE BRACKET
- 12 STUCCO TRIM
- 13 RAFTER TAILS
- 14 DECORATIVE VENT
- 15 STUCCO FOAM BILL
- 16 GARAGE DOOR
- 17 GARAGE SIDE DOOR
- 18 CORBEL



3 PLAN 3A RIGHT ELEVATION



3 PLAN 3A REAR ELEVATION



3 ROOF PLAN 3A



4 PLAN 3A LEFT ELEVATION



3 PLAN 3A FRONT ELEVATION

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Pasadena, CA 91105
Gateway Heights
 Moreno Valley, USA

Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

PROJECT INFO	
YEAR:	2019
DRAWN BY:	PLK
DATE:	3/22/22

PLAN 3
 EXTERIOR
 ELEVATIONS "A"
 ITA BARBARA

SHEET NUMBER
A-3.03

LEGEND:

- 1 ROOF
- 2 STUCCO BODY
- 3 STUCCO FOAM BASE
- 4 STONE VENEER
- 5 STUCCO TRIM CAP
- 6 SHUTTERS
- 7 FASCIA
- 8 STUCCO DOOR E
- 9 WINDOW TRIM
- 10 STUCCO CORNICE
- 11 BOARD & BATTON TRIM
- 12 DECORATIVE BRACKET
- 13 STUCCO TRIM
- 14 RAFTER TAILS
- 15 DECORATIVE VENT
- 16 STUCCO FOAM SILL
- 17 GARAGE DOOR
- 18 GARAGE SIDE DOOR
- 19 CORBEL



3 PLAN 3B RIGHT ELEVATION



3 PLAN 3B REAR ELEVATION



3 ROOF PLAN 3B



3 PLAN 3B LEFT ELEVATION



3 PLAN 3B FRONT ELEVATION



PI
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 Culverville, CA 92614-6802
 925.1177 www.knitter.com
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 PERMISSION IN WRITING FROM PLANNER PARTNERS
 INTERNATIONAL, INC.

NO.	REVISION

Pasadena, CA 91105
 Gateway Heights
 Moreno Valley, USA

Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

PROJECT NO.	2018
DRAWN:	MJK
CHECKED:	5/8/18
DATE:	3/22/22

SHEET TITLE
**PLAN 3
 EXTERIOR
 ELEVATIONS "B"
 ERN FARMHOUSE**

SHEET NUMBER
A-3.04

SITE PLAN

Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.
SITE PLAN (PEN21-0066)
 BEING A PORTION OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN
 UNITED ENGINEERING GROUP CA., INC DECEMBER 2022

LEGAL DESCRIPTION:

THAT PORTION OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO, AS SHOWN BY UNITED STATES GOVERNMENT SURVEY; THENCE RUNNING SOUTH ALONG THE WEST LINE OF SAID SECTION 34, 23.50 CHAINS TO THE CORNER MONUMENT MARKING THE NORTHWEST CORNER OF THE LAND CONVEYED TO CECIL R. G. WEBBE TO CHARLES M. DEXTER BY DEED RECORDED IN BOOK 141, PAGE 398, OF DEEDS, SAN BERNARDINO COUNTY RECORDS;
 THENCE NORTH 56 DEGREES 31' EAST ALONG THE LINE OF LAND SO CONVEYED TO CHARLES M. DEXTER, 23.91 CHAINS TO THE NORTHEAST CORNER OF SAID LAND SO CONVEYED TO CHARLES M. DEXTER;
 THENCE NORTH ALONG THE CENTER LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, 10.40 CHAINS TO THE NORTH LINE OF SAID SECTION 34; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION, 20 CHAINS TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY INTEREST OF THE COUNTY OF RIVERSIDE IN AND TO THAT PORTION LYING WITHIN MORTON ROAD.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED PARCEL LYING SOUTHWESTERLY OF SAID MORTON ROAD.

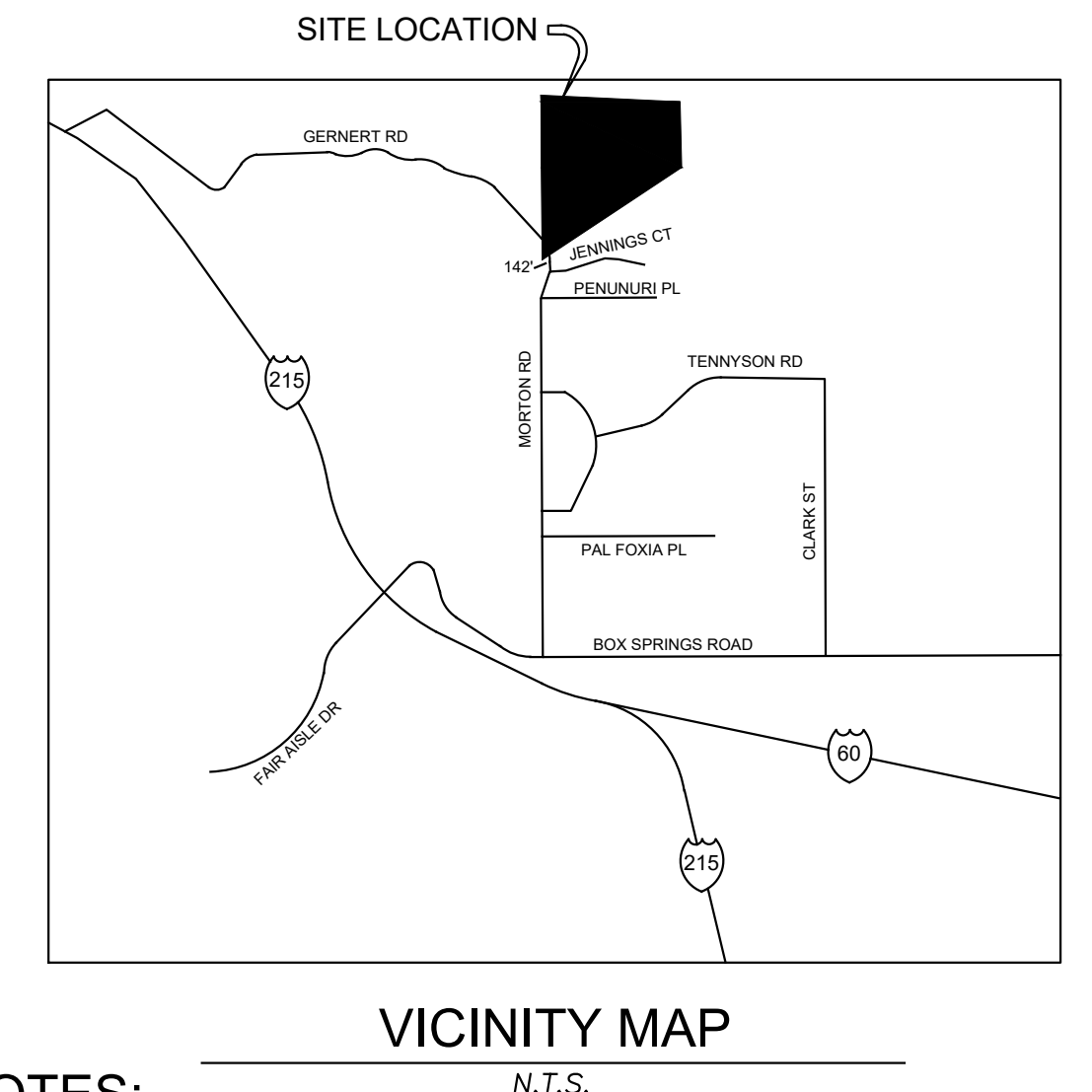
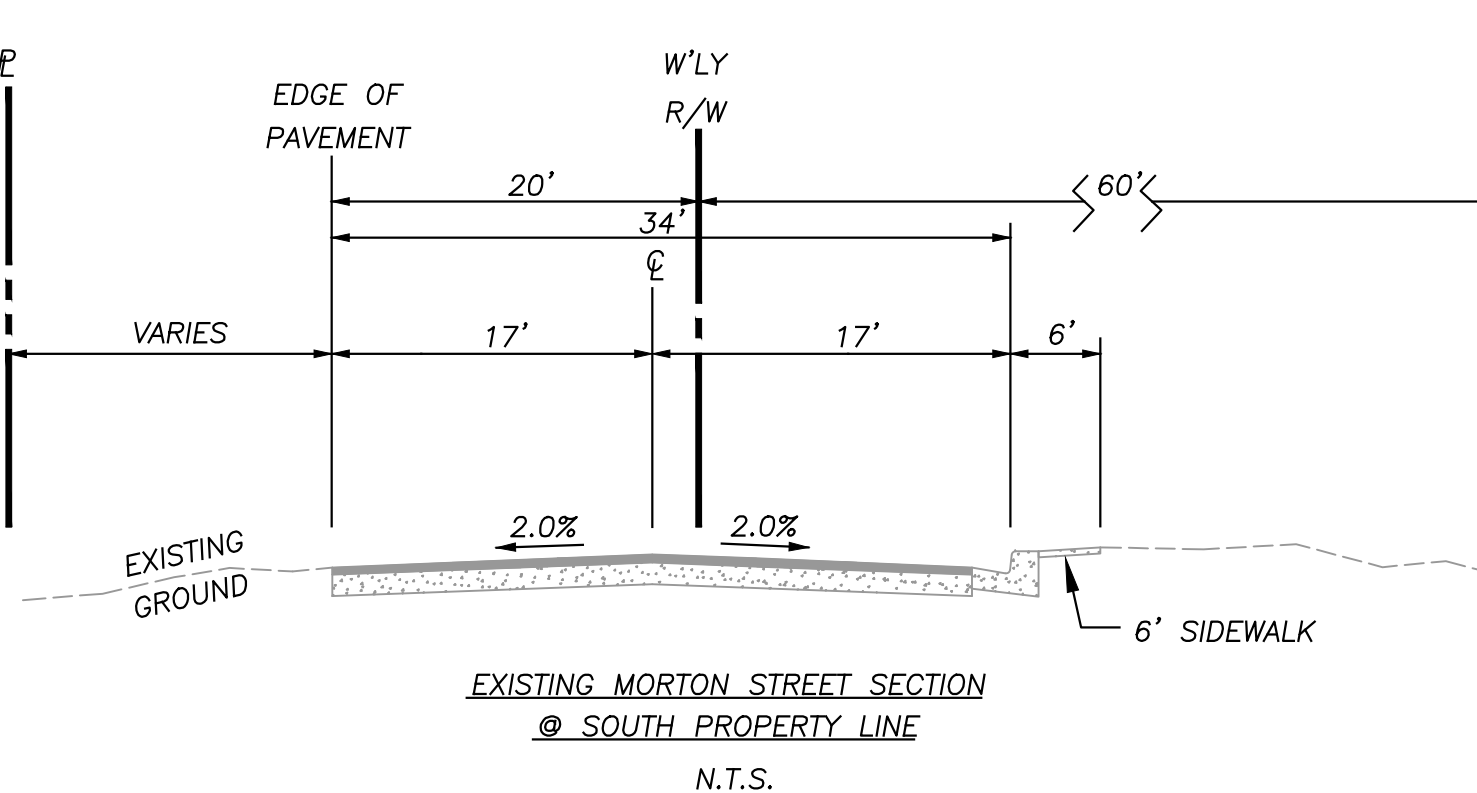
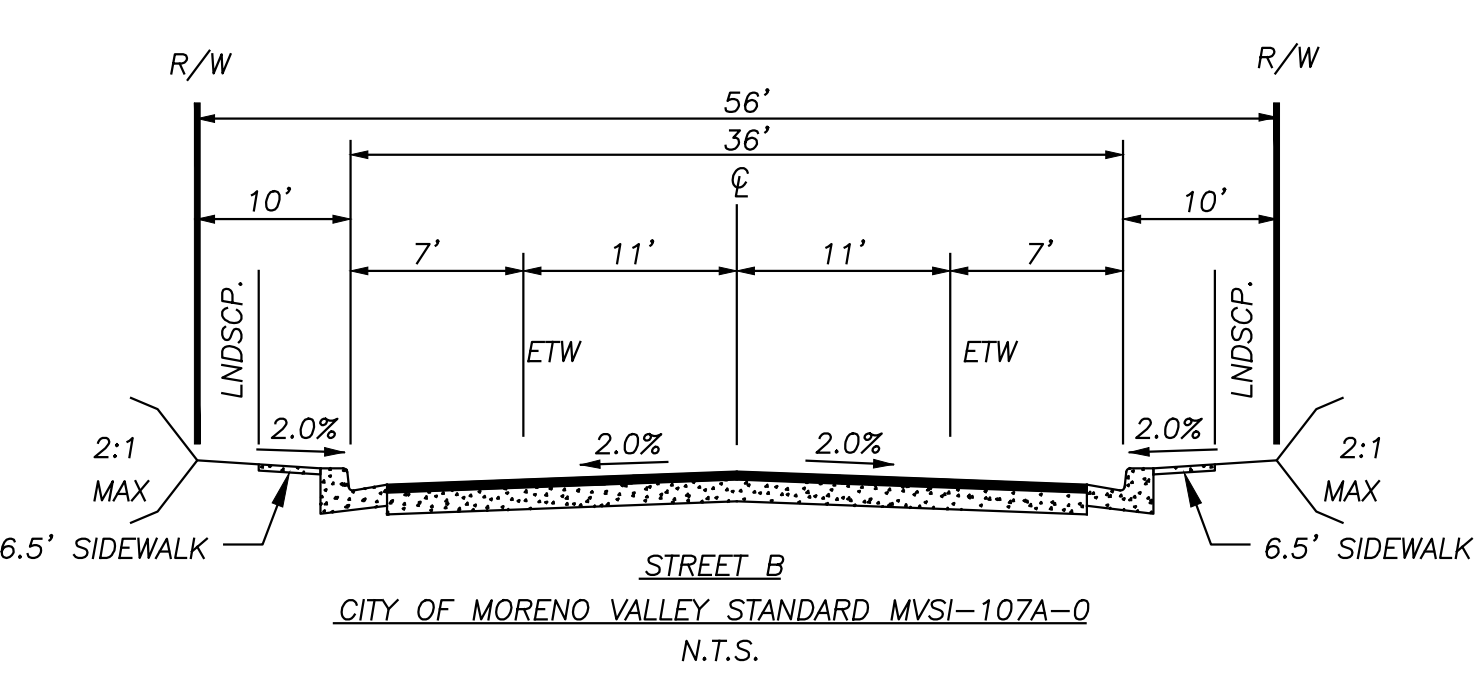
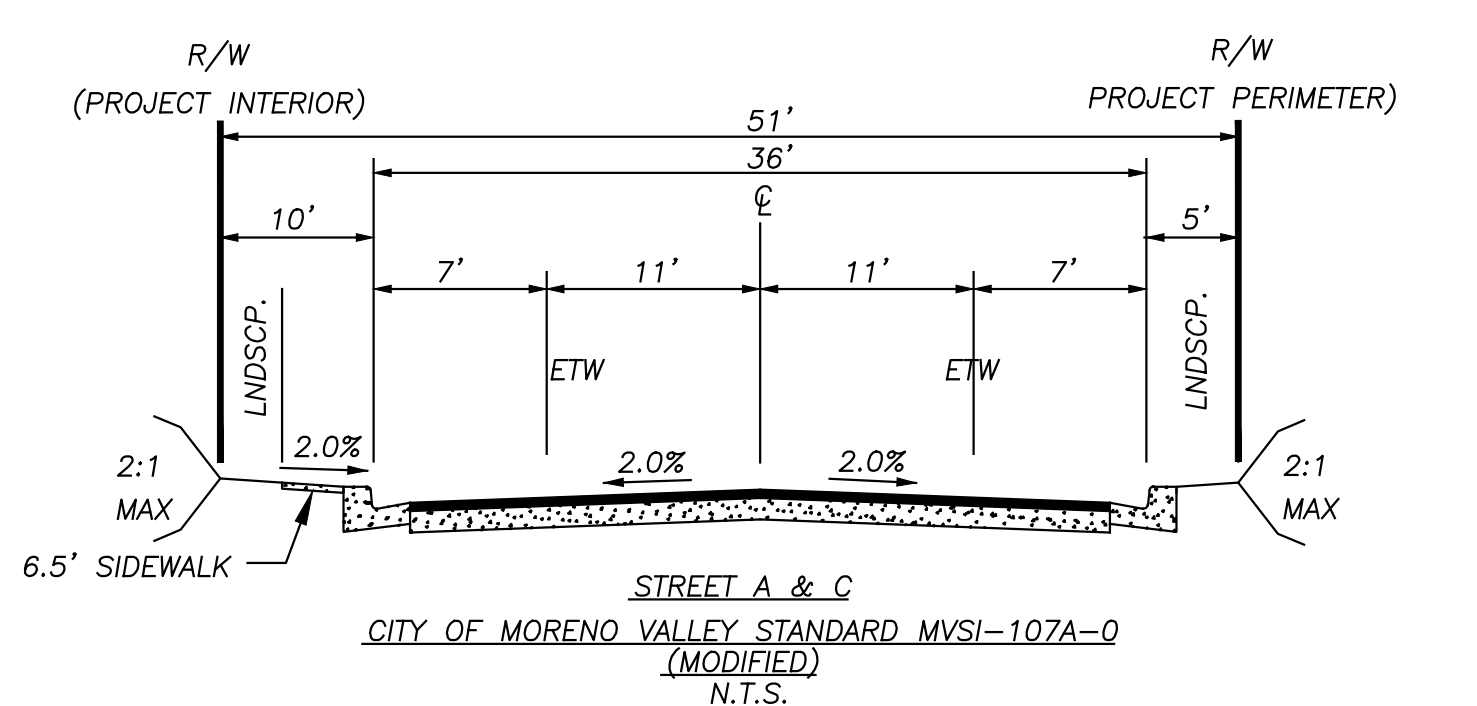
PARCEL NUMBER(S): 256-150-001

UTILITY PURVEYORS:

WATER	EASTERN MUNICIPAL WATER DISTRICT	ELECTRIC	SOUTHERN CALIFORNIA EDISON
	2270 TRUMBULE ROAD PERRIS, CA. 92570 (951) 928-3777		2492 W. SAN BERNARDINO AVE REDLANDS, CA. 92374 (800) 655-4555
SEWER	EASTERN MUNICIPAL WATER DISTRICT	GAS	SOUTHERN CALIFORNIA GAS
	2270 TRUMBULE ROAD PERRIS, CA. 92570 (951) 928-3777		4495 HOWARD AVE RIVERSIDE, CA. 92507 (213) 244-8344
TELEPHONE	SPECTRUM	CABLE	SPECTRUM
	12625 FREDERICK STREET SUITE F-10 MORENO VALLEY, CA 92553 (866) 874-2389		12625 FREDERICK STREET SUITE F-10 MORENO VALLEY, CA 92553 (866) 874-2389
SCHOOL	MORENO VALLEY USD		
	25634 ALESSANDRO BLVD MORENO VALLEY, CA 92553 (951) 571-7500		

LEGEND

- FF FINISHED FLOOR
- FL FLOW LINE
- R/W RIGHT-OF-WAY
- BSL BUILDING SETBACK LINE
- FSL FIRE SEPARATION LINE
- S-S PROPOSED SEWER LINE
- W-W PROPOSED WATER LINE
- o- EXISTING SEWER LINE
- o- EXISTING WATER LINE
- o- DEVELOPMENT LIMITS
- - - PROJECT BOUNDARY
- - - CENTERLINE
- - - EXISTING DIRT ROAD
- PP POWER POLE
- OVERHEAD POWER LINE
- FUEL MODIFICATION ZONE
- DECORATIVE WALL
- GRADING DAYLIGHT LINE



GENERAL NOTES:

1. APN: 256-150-001
2. TOPOGRAPHY SOURCE: CALVADA SURVEYING, INC. COMPILED 4-2018. CONTOUR INTERVAL-1FT.
3. THE LAND DOES NOT LIE WITHIN AN ALQUIST-PRIOLO EARTHQUAKE FAULT HAZARD ZONE AS DEFINED BY THE STATE OF CALIFORNIA IN THE ALQUIST-PRIOLO EARTHQUAKE FAULT HAZARD ZONE ACT OR A RIVERSIDE COUNTY FAULT HAZARD MAP, PER GEOTECHNICAL STUDY DATED 9-22-2018 PREPARED BY LGC GEO-ENVIRONMENTAL, INC.
4. THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP FOR THIS SITE IS NO. 06071C5780H. THE SITE IS DESIGNATED AS OTHER FLOOD AREA-ZONE X.
5. THE LAND IS SUBJECT TO LOW LIQUEFACTION HAZARD.
6. THIS AREA IS NOT WITHIN FAULT ZONE.
7. BOUNDARY INFORMATION DISPLAYED ON THIS PLAN HAS BEEN COMPILED FROM RECORD INFORMATION AND IS NOT TO BE USED AS A BOUNDARY SURVEY.
8. PROJECT IS NOT WITHIN A COMMUNITY SERVICES DISTRICT.
9. HOMEOWNERS ASSOCIATION TO MAINTAIN SLOPES, DRAINAGE BASINS, DRAINAGE EASEMENTS, STREETS, PARK, OPEN SPACE AND FUEL MODIFICATION AREAS.
10. PROJECT WILL COMPLY WITH WATER QUALITY TREATMENT REQUIRED IN THE PROJECT SPECIFIC WATER QUALITY MANAGEMENT PLAN.
11. ALL SLOPES ARE 2:1 UNLESS OTHERWISE NOTED.
12. TO THE BEST OF OUR KNOWLEDGE, MORTON ROAD NORTHERLY OF JENNINGS COURT HAS NOT BEEN VACATED FROM THE CURVE ALIGNMENT THAT IS RECORDED ON PM27548.
13. PROJECT IS WITHIN THE HIGH FIRE AREA. ALL BUILDINGS ARE TO BE CONSTRUCTED TO BE IN ACCORDANCE WITH 2019 CBC, CHAPTER 7A, FOR HIGH FIRE.
14. REMOVE AND REPLACE WITH TRANSITIONS TO BE DETERMINED AT FINAL STREET PLANS BASED ON CORINGS AND GEOTECHNICAL RECOMMENDATION AND PER CITY ENGINEER.

SITE DATA

TOTAL GROSS AREA.....	32.56 ACRES
TOTAL NET AREA.....	32.56 ACRES
PROPOSED R10 ZONE.....	16.59 ACRES
PROPOSED OPEN SPACE ZONE.....	15.97 ACRES
DEVELOPMENT AREA.....	16.59 ACRES
UNITS 1 - 108.....	2,100 S.F./EACH (ALL 2 STORY)
PARKING SPACES REQ'D.....	216 (ENCLOSED GARAGE)
PROVIDED.....	216 (ENCLOSED GARAGE)
PARK AREA.....	0.89 ACRES
BASIN A.....	12,131.24 S.F.
BASIN B.....	13,852.37 S.F.
STREET A, B, & C.....	2,447.60 L.F.
BUILDING SETBACKS	
FRONT/STREET SIDE.....	5' TO RIGHT OF WAY
MIN. BUILDING SEPARATION.....	6'
SIDE & REAR SETBACKS.....	5' MINIMUM TO TOP/TOE OF SLOPE (TOE OF SLOPE = H/2) (TOP OF SLOPE = H/3)

PROJECT LAND USE

EXISTING LAND USE.....VACANT
 PROPOSED LAND USE.....RESIDENTIAL
 EXISTING ZONING.....R2 AND HR
 PROPOSED ZONING.....R10 AND OS

SURROUNDING LAND USE

NORTH: HILLSIDE RESIDENTIAL (HR) & CONSERVATION (COUNTY OF RIVERSIDE)
 SOUTH: RESIDENTIAL MAX SDU/ACE (RS)
 EAST: HILLSIDE RESIDENTIAL (HR)
 WEST: GATEWAY CENTER SPECIFIC PLAN (COUNTY OF RIVERSIDE)



DEVELOPER:
 JASON ACKERMAN
 3200 GUASTI ROAD #100
 ONTARIO, CA 91761
 (909) 456-1460 OFFICE
 (909) 223-3302 MOBILE
 jason.ackerman@ackermaniawpc.com

OWNER/APPLICANT:
 SHIZAO ZHENG
 1378 WEST ZHONGSHAN ROAD
 NINGBO, CHINA 315-016
 (626) 666-1470

ENGINEER/PLAN PREPARER
 UNITED ENGINEERING GROUP CA, INC
 8885 HAVEN AVENUE, SUITE 195
 RANCHO CUCAMONGA, CA 91730
 (909) 466-9240 *203 OFFICE
 (909) 292-6677 MOBILE
 bcooper@unitedeng.com

SUBMITTALS:	NO.	REVISIONS	
		DESCRIPTION	DATE
DESIGNED BY:			
DRAWN BY:			
CHECKED BY:			

CHRISTOPHER F. LENZ DATE
 R.C.E. No. 63001

DEAN C. PHILLIPS DATE
 L.S. No. 6974
 dphillips@unitedeng.com



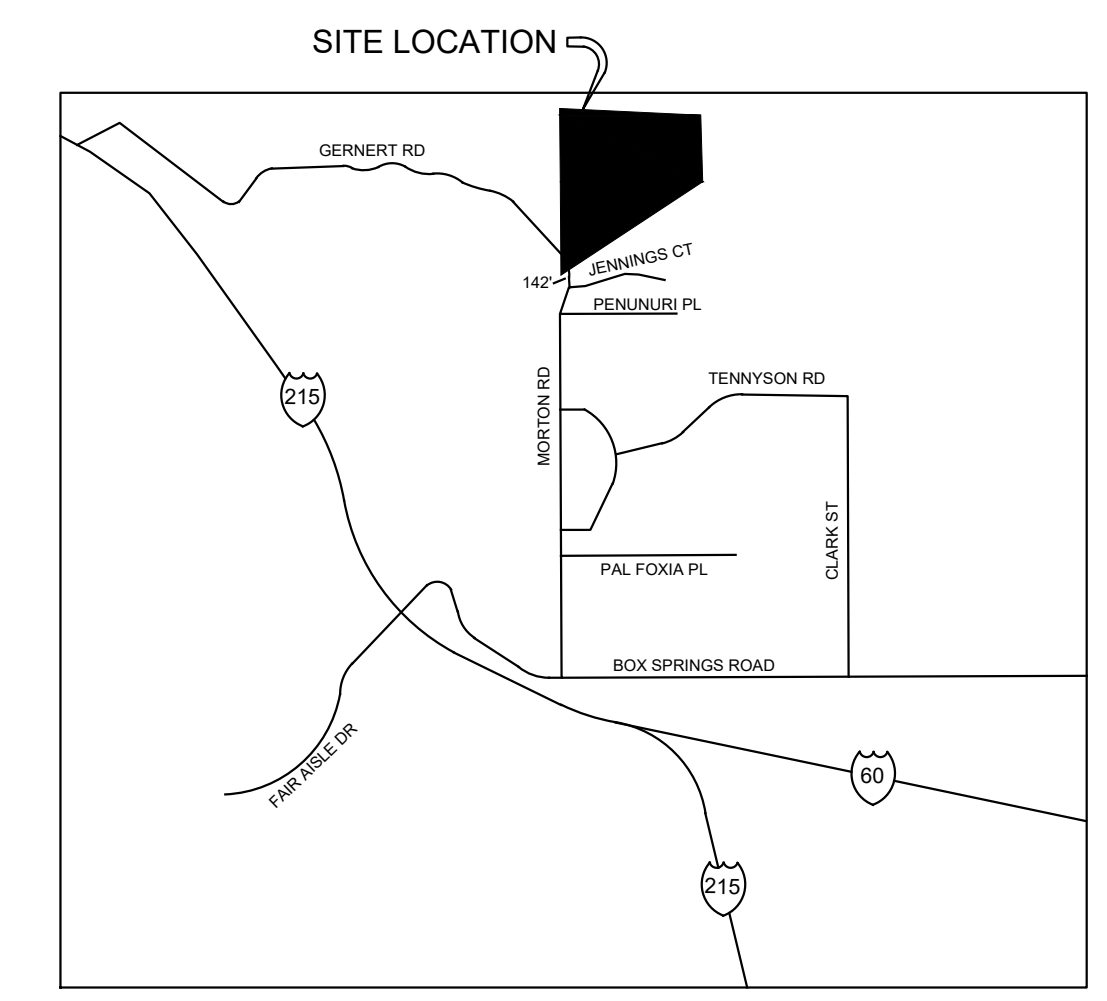
8885 Haven Avenue
 Suite 195
 Rancho Cucamonga,
 CA 91730
 Phone: 909.466.9240
 www.unitedeng.com

SITE PLAN	DECEMBER 2022
GATEWAY HEIGHTS CONDITIONAL USE PERMIT PEN21-0066	SHEET 1 OF 1
	PROJECT NUMBER CA-30182

PRELIMINARY GRADING PLAN (PEN21-0066)

BEING A PORTION OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN

UNited ENGINEERING GROUP CA., INC DECEMBER 2022



GENERAL NOTES:

1. APN: 256-150-001
2. TOPOGRAPHY SOURCE: CALVADA SURVEYING, INC. COMPILED 4-2018. CONTOUR INTERVAL-1FT.
3. THE LAND DOES NOT LIE WITHIN AN ALOUIST-PRIOLO EARTHQUAKE FAULT HAZARD ZONE AS DEFINED BY THE STATE OF CALIFORNIA IN THE ALOUIST-PRIOLO EARTHQUAKE FAULT HAZARD ZONE ACT OR A RIVERSIDE COUNTY FAULT HAZARD MAP. PER GEOTECHNICAL STUDY DATED 9-22-2018 PREPARED BY LGC GEO-ENVIRONMENTAL, INC.
4. THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP FOR THIS SITE IS NO. 06071C5780H. THE SITE IS DESIGNATED AS OTHER FLOOD AREA-ZONE X.
5. THE LAND IS SUBJECT TO LOW LIQUEFACTION HAZARD.
6. THIS AREA IS NOT WITHIN FAULT ZONE.
7. BOUNDARY INFORMATION DISPLAYED ON THIS PLAN HAS BEEN COMPILED FROM RECORD INFORMATION AND IS NOT TO BE USED AS A BOUNDARY SURVEY.
8. PROJECT IS NOT WITHIN A COMMUNITY SERVICES DISTRICT.
9. HOMEOWNERS ASSOCIATION TO MAINTAIN SLOPES, DRAINAGE BASINS, DRAINAGE EASEMENTS, STREETS, PARK, OPEN SPACE AND FUEL MODIFICATION AREAS.
10. PROJECT WILL COMPLY WITH WATER QUALITY TREATMENT REQUIRED IN THE PROJECT SPECIFIC WATER QUALITY MANAGEMENT PLAN.
11. ALL GRADING WORK SHOWN ON THIS PLAN SHALL BE DONE IN COMPLIANCE WITH CHAPTER 33 OF THE UNIFORM BUILDING CODE AND LOCAL ORDINANCE.
12. PRIOR TO ANY GRADING WORK, A GRADING PERMIT SHALL BE OBTAINED FROM THE CITY OF MORENO VALLEY BUILDING DEPARTMENT.
13. ALL GRADING SHALL CONFORM TO THE RECOMMENDATIONS AND REQUIREMENTS OF THE PRELIMINARY SOILS REPORT DATED SEPTEMBER 22, 2018 BY LGC GEO-ENVIRONMENTAL, INC.
14. ALL SLOPES ARE 2:1 UNLESS OTHERWISE NOTED.
15. PADS 4, 5, AND 6 DEVIATE FROM THE STANDARD GRADING DETAILS TO DRAIN TOWARDS THE PARK, AWAY FROM THE STREET. AT FINAL DESIGN STORM DRAIN MAY BE REQUIRED TO COLLECT AND ROUTE FLOWS TO THE PARK AREA.
16. PROJECT IS WITHIN THE HIGH FIRE AREA. ALL BUILDINGS ARE TO BE CONSTRUCTED TO BE IN ACCORDANCE WITH 2019 CBC, CHAPTER 7A, FOR HIGH FIRE.
17. REMOVE AND REPLACE WITH TRANSITIONS TO BE DETERMINED AT FINAL STREET PLANS BASED ON CORNINGS AND GEOTECHNICAL RECOMMENDATION AND PER CITY ENGINEER.
18. OFFSITE AREA OUTSIDE OF PROJECT TOPOGRAPHY LIMITS. AT FINAL DESIGN AND IN CONJUNCTION WITH LINE B DESIGN, ADDITIONAL DESIGN SURVEY WILL BE REQUIRED.
19. STREET LIGHT DESIGN TO COMPLY WITH CITY STANDARDS. STREET LIGHT DESIGN PLANS TO BE PREPARED WITH FINAL DESIGN DRAWINGS.

LEGEND

FF	FINISHED FLOOR	FS	FINISHED SURFACE
FL	FLOW LINE	HW	HIGH WATER
R/W	RIGHT-OF-WAY	INV	INVERT
BSL	BUILDING SETBACK LINE	TC	TOP OF CURB
EP	EDGE OF PAVEMENT	HP	HIGH POINT
---	PROPOSED SEWER LINE	---	PROPOSED WATER LINE
---	EXISTING SEWER LINE	---	EXISTING WATER LINE
---	DEVELOPMENT LIMITS	---	PROJECT BOUNDARY
---	CENTERLINE	---	EXISTING DIRT ROAD
---	POWER POLE	---	OVERHEAD POWER LINE
---	FUEL MODIFICATION ZONE	---	2:1 SLOPE (UNLESS OTHERWISE NOTED)
---	DECORATIVE WALL	---	GRADING DAYLIGHT

ESTIMATED EARTHWORK QUANTITIES (RAW)

NOTE: THE ABOVE QUANTITIES DO NOT REFLECT ANY SWELLING, SUBSIDENCE, OVER EXCAVATION, OR ANY SPECIAL CONDITIONS THAT MAY BE SPECIFIED IN THE PRELIMINARY SOILS REPORT AND ARE FOR REFERENCE AND FEE PURPOSES ONLY. SINCE THE ENGINEER CANNOT CONTROL THE EXACT METHOD OR MEANS USED BY THE CONTRACTOR DURING GRADING OPERATIONS, NOR CAN THE ENGINEER GUARANTEE THE EXACT SOIL CONDITION OVER THE ENTIRE SITE, THE ENGINEER ASSUME NO RESPONSIBILITY FOR THE FINAL EARTHWORK QUANTITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THEIR OWN EARTHWORK QUANTITIES FOR BIDDING, CONTRACT, AND CONSTRUCTION PURPOSES.

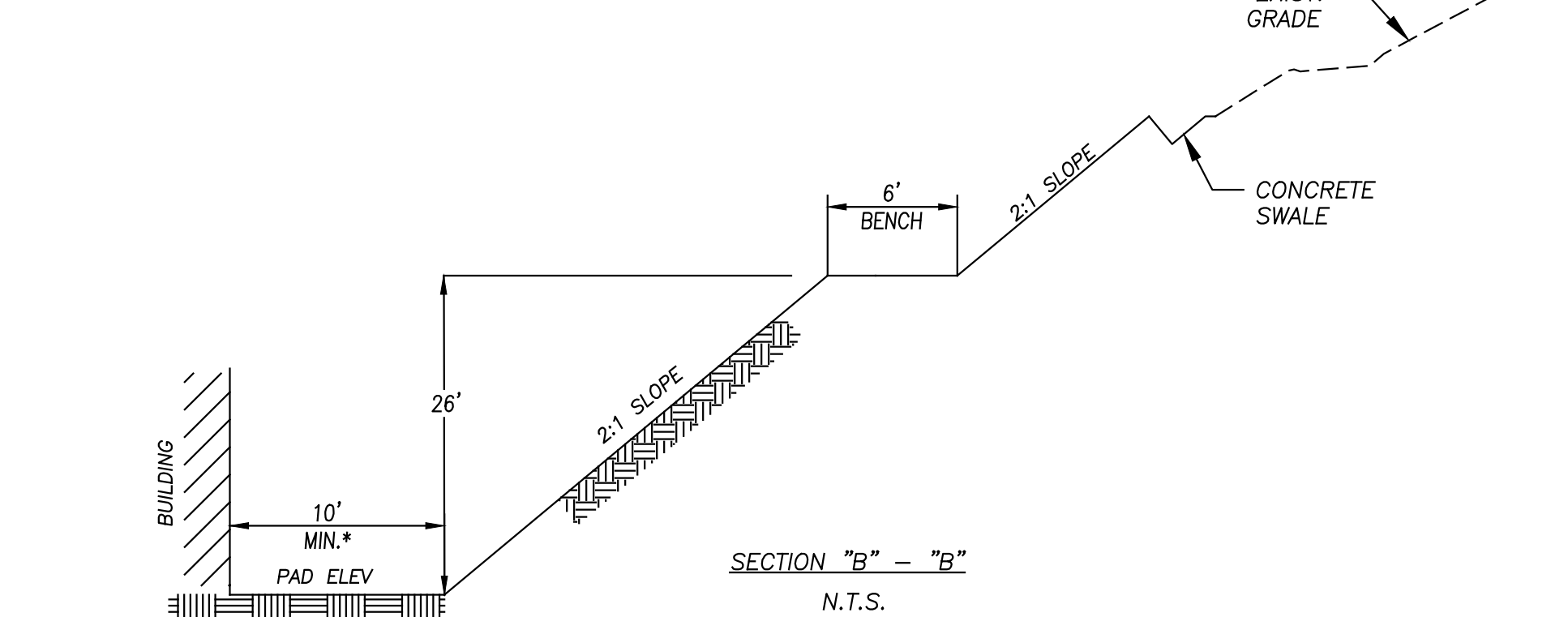
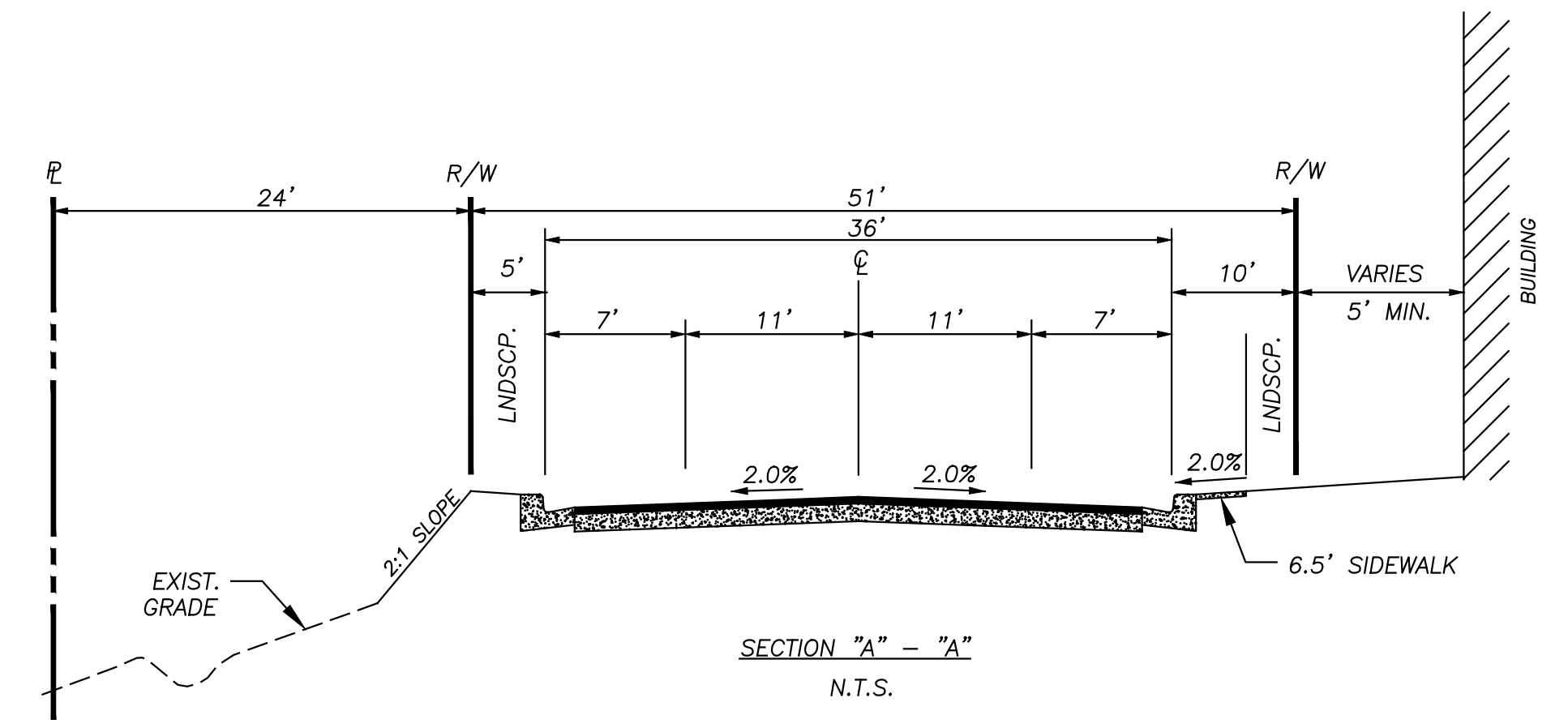
CUT: 90,148 CU. YDS. FILL: 56,011 CU. YDS.

UTILITY PURVEYORS:

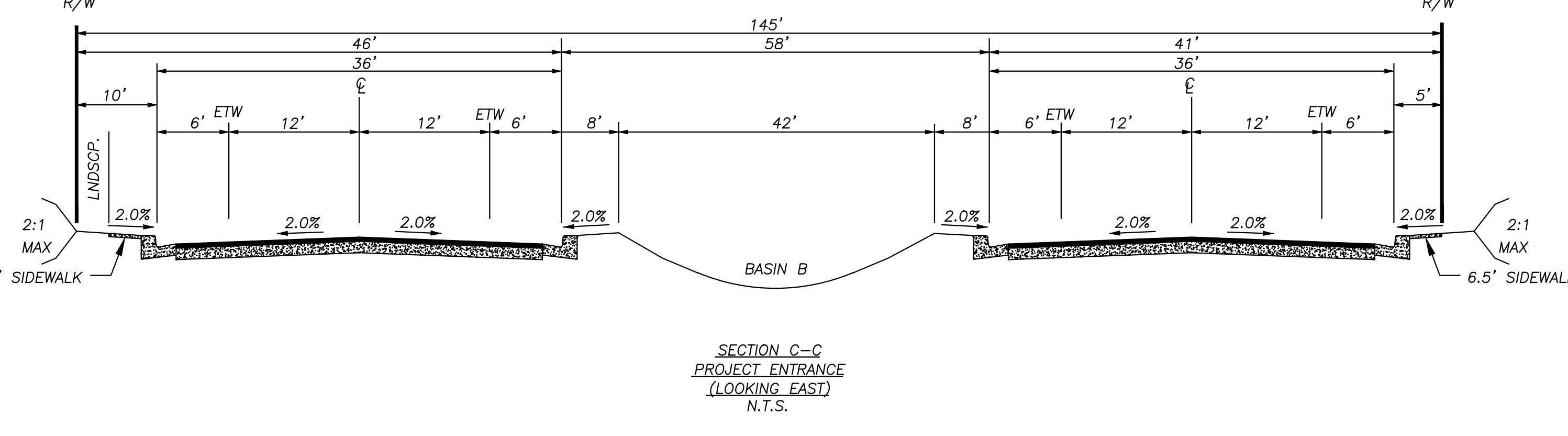
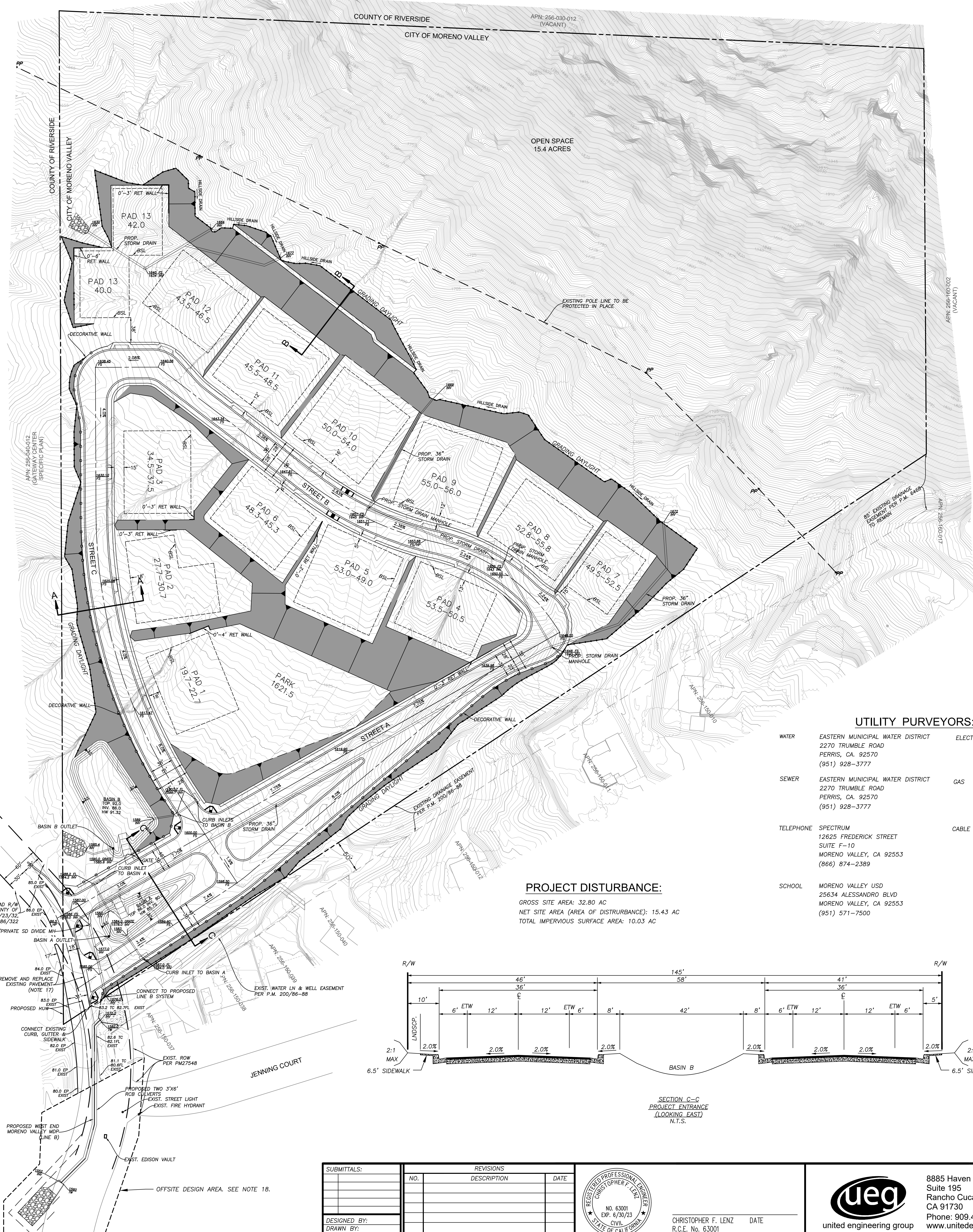
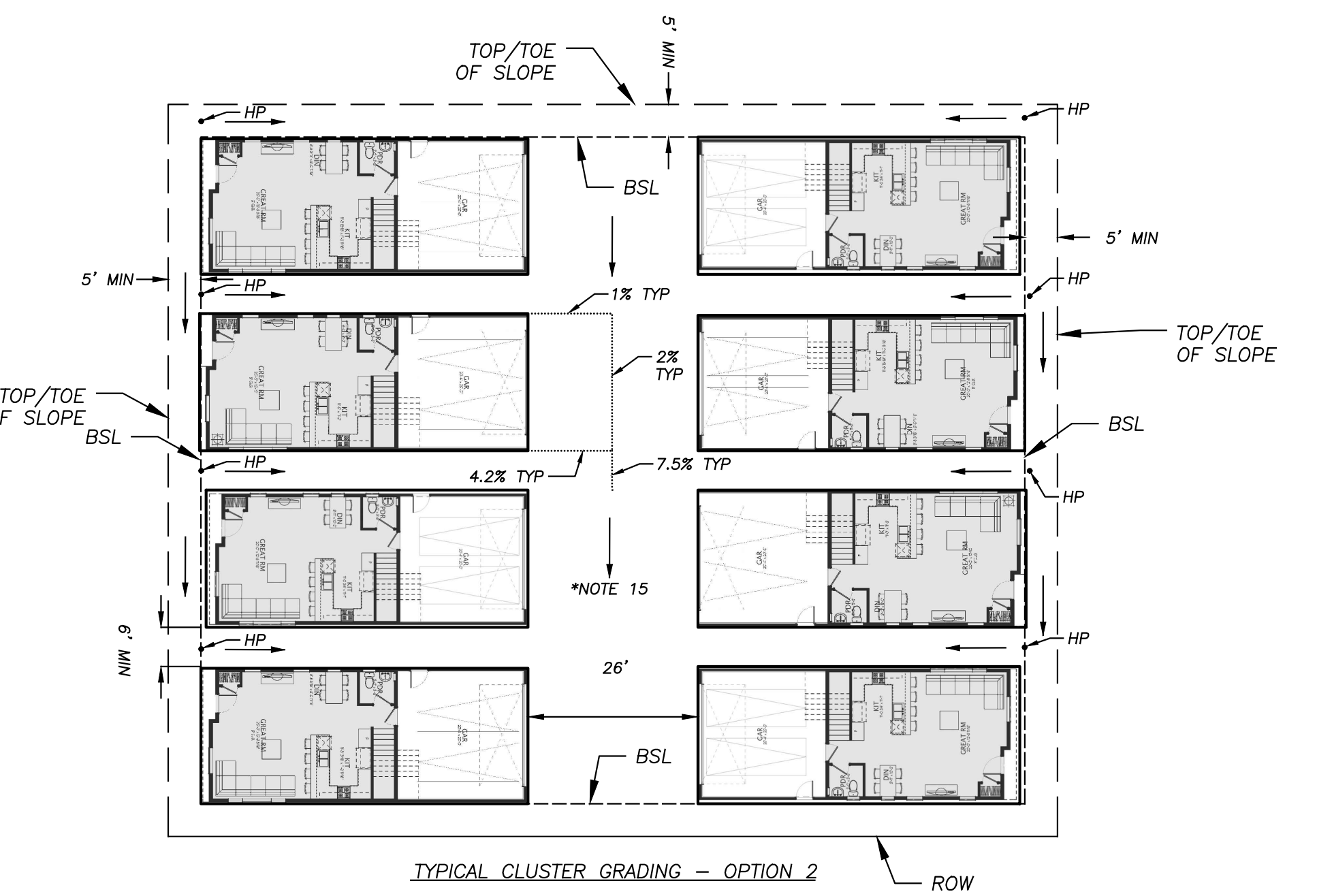
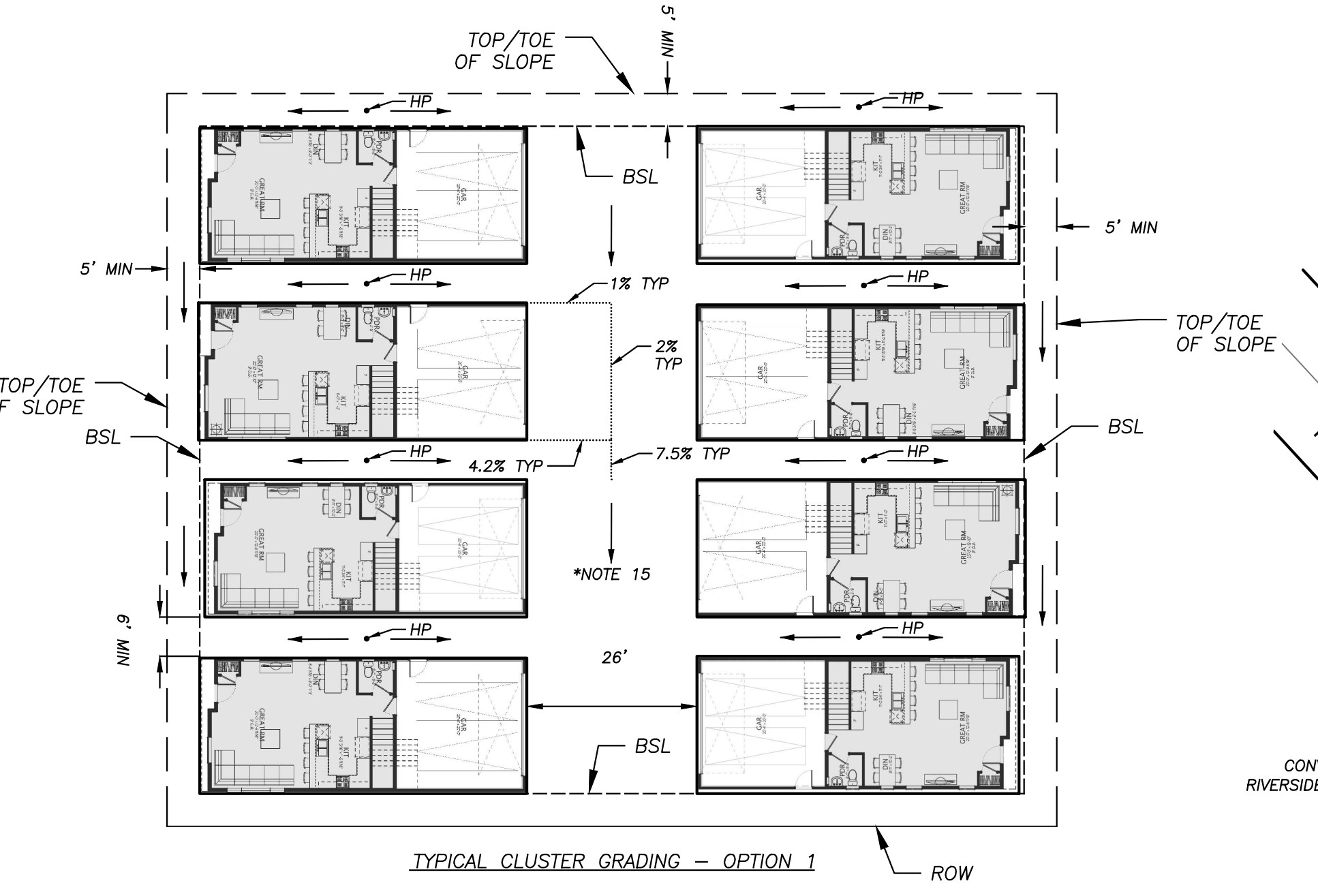
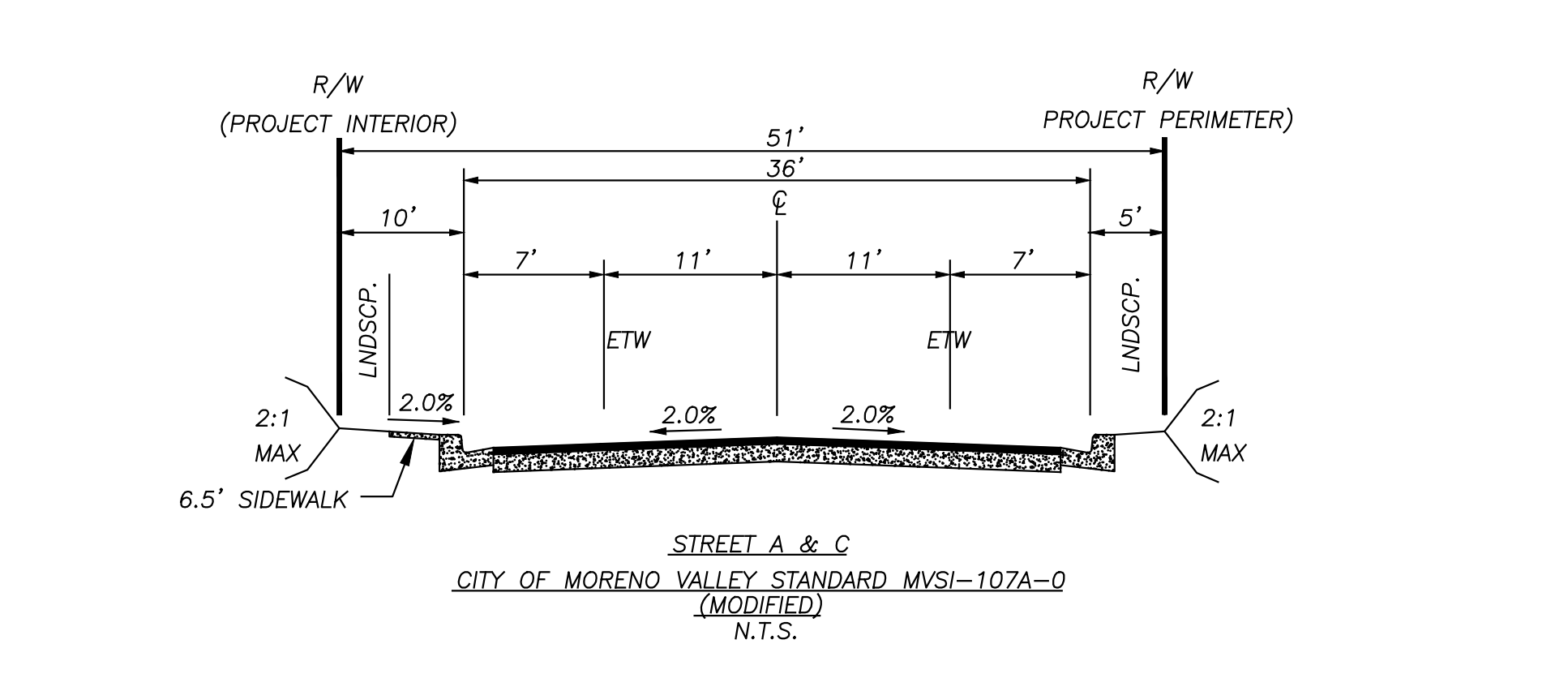
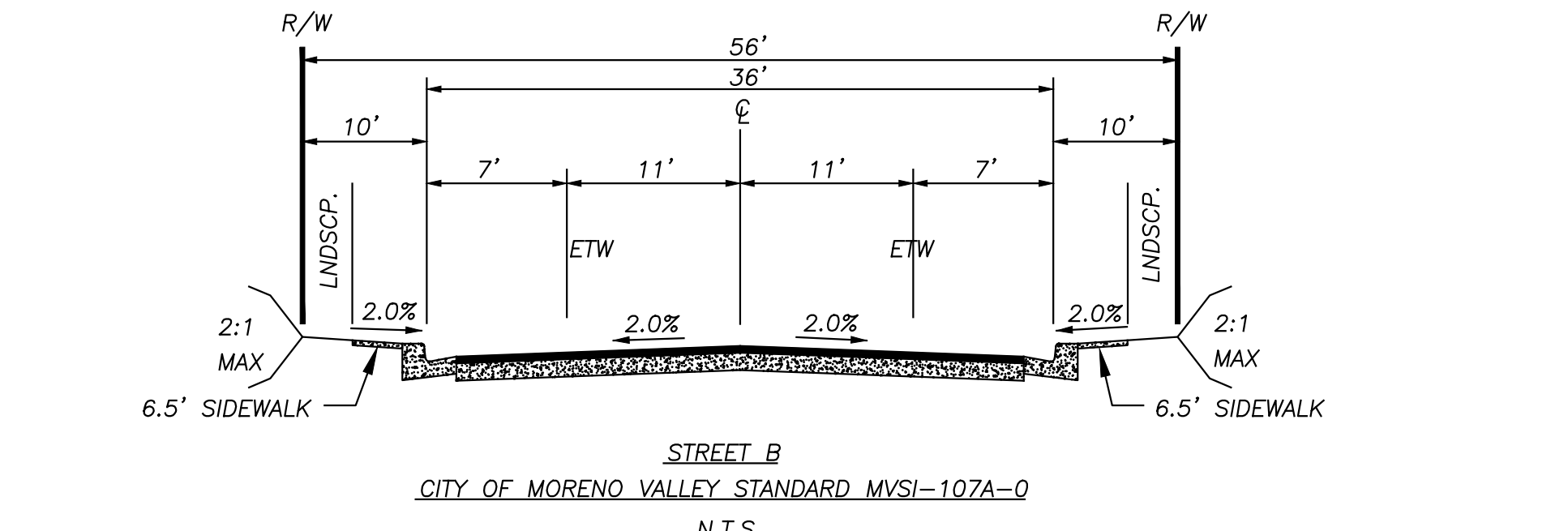
WATER	EASTERN MUNICIPAL WATER DISTRICT 2270 TRUMBULE ROAD PERRIS, CA. 92570 (951) 928-3777	ELECTRIC	SOUTHERN CALIFORNIA EDISON 2492 W. SAN BERNARDINO AVE REDLANDS, CA. 92374 (800) 655-4555
SEWER	EASTERN MUNICIPAL WATER DISTRICT 2270 TRUMBULE ROAD PERRIS, CA. 92570 (951) 928-3777	GAS	SOUTHERN CALIFORNIA GAS 4495 HOWARD AVE RIVERSIDE, CA. 92507 (213) 244-8344
TELEPHONE	SPECTRUM 12625 FREDERICK STREET SUITE F-10 MORENO VALLEY, CA 92553 (866) 874-2389	CABLE	SPECTRUM 12625 FREDERICK STREET SUITE F-10 MORENO VALLEY, CA 92553 (866) 874-2389
SCHOOL	MORENO VALLEY USD 25634 ALESSANDRO BLVD MORENO VALLEY, CA 92553 (951) 571-7500		

PROJECT DISTURBANCE:

GROSS SITE AREA: 32.80 AC
NET SITE AREA (AREA OF DISTURBANCE): 15.43 AC
TOTAL IMPERVIOUS SURFACE AREA: 10.03 AC



* MINIMUM SETBACKS PER CALIFORNIA BUILDING CODE 1808.7:
- TOE OF SLOPE = AT LEAST THE SMALLER OF H/2 OR 15'
- TOP OF SLOPE = AT LEAST THE SMALLER OF H/3 OR 40'



SUBMITTALS:		REVISIONS		DATE
NO.	DESCRIPTION	NO.	DESCRIPTION	DATE

DESIGNED BY: CHRISTOPHER F. LENZ DATE: _____
DRAWN BY: R.C.E. NO. 63001 DATE: _____
CHECKED BY: _____



8885 Haven Avenue
Suite 195
Rancho Cucamonga, CA 91730
Phone: 909.466.9240
www.unitedeng.com

PRELIMINARY GRADING PLAN

GATEWAY HEIGHTS
CONDITIONAL USE PERMIT
PEN21-0066

DECEMBER 2022
SHEET 1 OF 1
PROJECT NUMBER
CA-30182

6.0 ARCHITECTURE

The architectural guidelines in this manual have been developed to ensure architectural continuity and compatibility throughout the project; to promote a distinctive architectural theme; and to avoid a mundane repetition of too similar architectural design elements. These guidelines will provide a set of basic concepts for development but are not meant to limit future creativity in design.

These styles and concepts should be incorporated to provide a variety of quality housing types.

6.1 General Guidelines

The following general guidelines should be considered in the designing and layout of the project:

- A common set of design style and design elements should be included throughout the project.
- Long unarticulated building facades should be avoided
- Natural building materials should be varied throughout the project, avoiding long stretches of similar street scene
- Offset roof planes, columns, vertical and horizontal articulation or other projecting architectural features shall occur on those facades of the residence that are visible from the street or open space
- The visual impact of garages shall be reduced to the maximum extent practicable

6.2 Architectural styles

Two architectural styles have been set forth as examples in this document to begin to identify and illustrate the intent and objective of these design guidelines in terms of architectural style and variety. Santa Barbara and Modern Farmhouse architectural styles are discussed in the following pages and depicted in **Figures 1 & 2** to establish the types and level of architectural detail which will assist in achieving the project design objectives. Discussions of each of these styles as well as illustrations of typical elevations and features are located on the following pages.

6.2.1 Santa Barbara

Santa Barbara style is an architectural and interior design style derived from Mediterranean and Spanish-revival architecture, often characterized by deep red tones and polished wood textures that contrast with stark white walls.

Santa Barbara style architecture and interior design are characterized by white stucco walls, exposed beam ceilings, red-tile roofs and floors, arcades, and courtyards.

Figure 1 – Santa Barbara



Features typical of the Santa Barbara style include:

- White stucco walls
- Exposed beam ceilings
- Tile roofs
- Shutters
- Decorative Vents

6.2.2 Modern Farmhouse

The Modern farmhouse style combines practical elements (simple floor plan, white walls) with rustic materials (wood floors, hand-hewn beams, and wrought-iron hardware). And you'll see this style throughout the U.S., with regional variations. For example, you might spot a Dutch door or two in a New England farmhouse, or wraparound porches on homes in the Deep South

Features typical of the Modern Farmhouse style include:

- Reclaimed wood
- Barnboard details
- Wrought iron accents
- Wide plank floors
- Rafter Tails
- Stone Veneers

Figure 2 – Modern Farmhouse



7.0 UTILITIES

Currently the site is undeveloped and the site does contain some existing overhead electrical lines as well as water and sewer lines located in Morton Rd. All existing and new onsite utilities that will serve the subject site will be placed underground except as approved by Public Works. Operation and maintenance of all utilities and facilities will be managed by the appropriate operating entity upon approval and completion of construction. Sewer facilities, water facilities, streetlights, and fire hydrants will be provided according to the appropriate agency’s guidelines, per the recommendations of Public Works and City of Moreno Valley Fire Departments and other governmental regulations applicable to the construction of various facilities.

Utility Providers

Services	Provider	Location
Electrical	Southern California Edison	At site
Telephone	Spectrum	TBD
Cable	Spectrum	TBD
Natural Gas	Southern California Gas Company	TBD
Water	Eastern Municipal Water District	At site
Sanitary Sewer	Eastern Municipal Water District	At site
Fire & Emergency	City of Moreno Valley Fire Dept	TBD

8.0 COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R’S)

Table 8-1 below details the maintenance responsibilities for the various utilities and common areas within Gateway Heights. A majority of the common areas will be maintained by a Home Owners Association (HOA). The HOA will be established in conjunction with development of the project. CC&R's for Gateway Heights that include language for the establishment of a HOA and provisions for creation of liens in conjunction with the HOA, for maintenance funding, will be provided prior to recordation of the final map.

MAINTENANCE RESPONSIBILITY				
Table 8-1				
	Home Owners Association	City of Moreno Valley	Riverside County Flood Control	Eastern Municipal Water District
Onsite Storm Drain	X			
Basin A	X			
Basin B	X			
Line B (across Morton Rd)			X	
Headwalls			X	
Water	X			
Sewer				X
Streets	X			
Landscaping	X			
Entry Monuments	X			
Paseos & Parkways	X			
Park	X			

Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

APPENDIX 1

FIRE PROTECTION TECHNICAL REPORT

Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

DUDEK

MAIN OFFICE
605 THIRD STREET
ENCINITAS, CALIFORNIA 92024
T 800.450.1818 F 760.632.0164

TECHNICAL FIRE PROTECTION MEMORANDUM

To: Douglas Bloom, Fire Marshal, Moreno Valley Fire Department
From: Dudek Fire Protection Planning Team, Michael Huff, Director
Subject: Gateway Heights Project Fire Hazard Analysis and Approach
Date: 01/30/2023
cc: Jason Ackerman, Esq., Ackerman Law
Attachment(s): Figures 1-2
 Attachment 1 – Site Aerial Photograph
 Attachment 2 – Fuel Modification Plan
 Attachment 3 – Site Plan with Revised Dual Project Access

This Technical Fire Protection Memorandum documents fire protection planning related to project constraints analysis for the subject project. The approach outlined herein responds to your recommended direction during several meetings and communications regarding the site and its required fire protection features, including emergency ingress/egress to/from the project site and defensible space areas.

Project description

The proposed Gateway Heights development is a 108 unit detached townhouse project on an approximately 33-acre site in the City of Moreno Valley.

- “Detached townhouses” (townhouses by CBC definition are attached; structures are likely to be considered SFDs per code¹)
- Structures are separated 6’ apart.
- Structures are two-story townhouses
- Proposed 16-acre open space lot north of the developed project site

¹ 2022 California Building Code, Chapter 2: Definitions, Section 202 Definitions

Existing Site Observations

Onsite

- Attachment 1 provides a site aerial photograph.
- Vegetation is primarily scattered sage scrub, forbs, and scattered native shrubs and a few ornamental trees in the northeast corner;
- Unmaintained roads/trails traverse the property;
- Evidence of recent fuel reduction activities are present on site.

Topography

The project site is relatively flat, with a slight upslope gradient to the north; beyond the project to the north is a steep, rocky hillside with sparse scrub and forb vegetation. To the west and south the terrain has gently rolling hills with intermittent drainages. Along the eastern edge of the property is a drainage channel strewn with boulders. To the east of the project is a residential subdivision.

Vicinity

The project is located in the northeast area of the City of Moreno Valley. The western and northern property lines coincide with the city limits; the lands immediately to the west and north of the property are within unincorporated Riverside County.

- North: open space;
- East of northern open space lot: open space;
- Southeast of project site: residential development;
- West: open space.

Proposed site plan review / code compliance issues

Issues to address:

- Driveway lengths: proposed lengths are all less than 150 feet in length and are 24' wide.

- Hose pull distances: will be greater than 150' distance to two or more units along the driveways for Pads 2, 5, 7 and 9 through 13. However, the fire code official is authorized to increase the 150-foot distance since all units will be equipped throughout with automatic fire sprinkler systems.²
- Fuel modification width: 100-foot FMZ can be provided for most units (Attachment 2). The western most units on Pad 13 (NW corner) are 30 feet from the property line; the units on Pad 7 are 69 feet from the property line; The proposed FMZ reduction has been mitigated with placement of non-combustible walls along the property line adjacent to these two buildings as depicted in Attachment 2.

Primary access

Primary access is proposed using Morton Road on the southern side of the project, which has access to Box Springs Road and the SR60/I-215 Freeway.

Secondary access

In reviewing the Moreno Valley Fire Code, there is no reference identified whereby a secondary access is required for the project. CFC 503.1.2 authorizes the fire code official to require more than one access road based on the potential for impairment of a single road, but it does not require that an additional access road must be provided.

The project design provides two 36' foot wide roadways at the entrance to minimize any potential traffic congestion during an emergency setting; one for ingress and one for egress (see Attachment 3). Each entrance roadway connects to separate "legs" of the internal circulation loop road allowing for approximately half of the occupants to exit in each of two distinct directions without conflict. Based on discussions with the FD, the proposed loop road design with a dual widened roadway entrance meets the intent of the code and will be accepted.

Internal circulation

- Loop road system;
- Direct access is provided to all structures;
- Unobstructed internal circulation loop roadway width of 24 feet;

Fuel modification and Vegetation Management

A preliminary fuel modification landscape plan has been prepared and submitted for review and approval.

The two "legs" of the internal circulation loop road, along the eastern and western edges of the project, will be located between the property line and structures providing a paved, non-combustible, defensible space as part of the fuel modification zone.

The project will also comply with the following requirements related to fuel modification and vegetation management outlined in the 2022 California Fire Code. The Project-provided fuel modification landscape plan provides additional details on the Project's consistency with these requirements and has been submitted for review

² CFC Sec. 503.1.1, Exception 1.1

to Moreno Valley Fire Department (MVFD). Fencing, decking and/or mulch will be consistent with requirements for fire hazard severity zones and WUI areas, specifics of which will be included in the project's landscape plan and will be to MVFD approval.

CFC 4903.2.1.2 Final Fire Protection Plan and Ongoing Maintenance

The project HOA is legally responsible for the maintenance of Fuel Modification Zones. HOA maintenance responsibilities concerning Fuel Modification Zones will be incorporated into the HOA's covenants, conditions, and responsibilities (CC&Rs) to the approval of the MVFD.

CFC 4906.1 General

Planting of vegetation for new landscaping shall be selected to reduce non-fire-resistant vegetation in proximity to a structure and to maintain vegetation as it matures.

CFC 4906.2 Application

All new plantings of vegetation in State Responsibility Areas (SRA) and Local Responsibility Areas (LRA) designated as a Very High Fire Hazard Severity Zone shall comply with Sections 4906.3 through 4906.5.3.

CFC 4906.3 Landscape Plans

Landscape plans shall be provided when required by the enforcing agency. The landscape plan shall include development and maintenance requirements for the vegetation management zone adjacent to structures and roadways, and to provide significant fire hazard reduction benefits for public and firefighting safety.

CFC 4906.3.1 Contents

Landscape plans shall contain the following:

1. Delineation of the 30-foot (9144 mm) and 100-foot (30.5 m) fuel management zones from all structures.
2. Identification of existing vegetation to remain and proposed new vegetation.
3. Identification of irrigated areas.
4. A plant legend with both botanical and common names, and identification of all plant material symbols.
5. Identification of ground coverings within the 30-foot (9144 mm) zone.

CFC 4906.4 Vegetation

All new vegetation shall be fire-resistant vegetation in accordance with this section.

Exception: Trees classified as non-fire-resistant vegetation complying with Section 4906.4.2.1.

To be considered fire-resistant vegetation, it must meet at least one of the following:

1. Be identified as fire-resistant vegetation in an approved book, journal or listing from an approved organization.
2. Be identified as fire-resistant vegetation by a licensed landscape architect with supporting justification.
3. Plants considered fire-resistant vegetation and approved by the local enforcing agency.

CFC 4906.4.1 Shrubs

All new plantings of shrubs shall comply with the following:

1. Shrubs shall not exceed 6 feet (1829 mm) in height.
2. Groupings of shrubs are limited to a maximum aggregate diameter of 10 feet (3048 mm).
3. Shrub groupings shall be separated from other groupings a minimum of 15 feet (4572 mm).
4. Shrub groupings shall be separated from structures a minimum of 30 feet (9144 mm).
5. Where shrubs are located below or within a tree's drip line, the lowest tree branch shall be a minimum of three times the height of the understory shrubs or 10 feet (3048 mm), whichever is greater.

CFC 4906.4.2 Trees

Trees shall be managed as follows within the 30-foot (9144 mm) zone of a structure:

1. New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet (3048 mm) from any combustible structure.
2. The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 10 feet (3048 mm).
3. Existing trees shall be trimmed to provide a minimum separation of 10 feet (3048 mm) away from chimney and stovepipe outlets per Title 14, Section 1299.03.

CFC 4906.4.2.1 Non-Fire-Resistant Vegetation

New trees not classified as fire-resistant vegetation, such as conifers, palms, pepper trees and eucalyptus species, shall be permitted provided the tree is planted and maintained so that the tree's drip line at maturity is a minimum 30 feet (9144 mm) from any combustible structure.

Defensible Space

The project will comply with the following defensible space requirements outlined in the 2022 California Fire Code.

CFC 4907.1 General

Hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings and to reduce the risk of fire spreading to buildings as required by applicable laws and regulations. Defensible space will be managed around all buildings and structures in State Responsibility Areas (SRA) as required in Public Resources Code 4291.

CFC 4907.2 Application

Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as a State Responsibility Area (SRA).
2. Land designated as a Very High Fire Hazard Severity Zone by the Director.
3. Land designated in ordinance by local agencies as a Very High Fire Hazard Severity Zone pursuant to Government Code Section 51179.

CFC 4907.3 Requirements

Hazardous vegetation and fuels around all buildings and structures shall be maintained in accordance with the following laws and regulations:

1. Public Resources Code, Section 4291.
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, Section 1299.03.
3. California Government Code, Section 51182.
4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.

Relevant code sections:

Chapter 7A of the 2022 California Building Code

All new Project buildings will comply with the ignition resistant construction requirements of California Building Code Chapter 7A. Per Chapter 7A, buildings located in any Fire Hazard Severity Zone or any Wildland-Urban Interface (WUI) Fire Area designated by the enforcing agency constructed after the application date shall comply with Chapter 7A provisions. This includes all new buildings with residential, commercial, educational, institutional or similar occupancy type use, which are referred to as "applicable building(s)" (see definition in Section 702A), as well as new buildings and structures accessory to those applicable buildings

The Project's buildings will comply with the following construction and materials requirements identified in the following sections:

- 704A Ignition Resistant Construction
- 705A Roofing
- 706A Vents
- 707A Exterior Covering
- 708A Exterior Windows, Skylights and Doors
- 709A Decking
- 710A Accessory Buildings and Miscellaneous

California Residential Code R337. Materials and Construction Methods for Exterior Wildfire Exposure

Minimum standards for a new building located in a WUI area to resist the intrusion of flame or burning embers projected by a vegetation fire.

California Residential Code R337.1.4. Inspection and Certification.

The local building official shall, upon completion of construction, provide the owner or applicant with a copy of the final inspection report that demonstrates the building was constructed in compliance with all applicable state and local building standards, including those for materials and construction methods for wildfire exposure as described in this chapter. Issuance of a certificate of occupancy by the local building official for the proposed building shall be considered as complying with this section.

California Fire Code 503.1.2 Additional access.

Authorizes the fire code official to require more than one access road based on the potential for impairment of a single road, but it does not require that an additional access road must be provided.

Moreno Valley Fire Code Amendments

- 503.2.1 Fire apparatus access roads – 24 feet wide
- 903.2 Single Family Dwellings shall have automatic fire sprinkler systems
- 4906.4 Fuel Modification Requirements for New Construction. Must meet the criteria established by Riverside County Fire Department (Information Bulletin #08-05). Submit a Fuel Modification Plan; indicate setback, irrigated and thinning zones (30' Green Zone; 100' total defensible space).
- App B. Fire Flow and Hydrant Spacing

Fire environment assessment

The project site's fire environment assessment was performed by Dudek fire protection planners with extensive similar experience throughout California over the last 25 years.

- The site is located within a Very High Fire Hazard Severity Zone³.
- At the time of the site assessment, there was no evidence of recent fire on site (no visible signs); fire history data⁴ indicates the site has had 77 fires within a five-mile radius and the site itself has burned four times since 1980 and most recently in 2001 (Watkins Fire).
- Vegetation on site and to the north, west and south is sparse and low growing, which would reduce the impacts from a wildland fire;

³ FRAP (Fire and Resource Assessment Program). 2008. California Department of Forestry and Fire Protection. Fire Hazard Severity Zones (Adopted in 2007). Accessed at: <http://frap.cdf.ca.gov/>.

⁴ FRAP (Fire and Resource Assessment Program). 2020. California Department of Forestry and Fire Protection. Fire Perimeters through 2020. Accessed at: <http://frap.cdf.ca.gov/>.

- Adjacent hillslopes to the north exist up and away from the project site. This reduces wildfire risks at the project site as wildfire is more likely to spread at slower rates when moving downslope compared to an upslope direction.
- The project may be subject to an approaching wildland fire from the northeast during Santa Ana wind conditions. While direct impacts from wildfire cannot be completely ruled out, structural ignition risks from ember cast are minimal given modern construction requirements in alignment with Chapter 7A of the California Building Code.

Fire Behavior assessment

- Selected fuel models Sh1 (low load, dry climate shrub) and Sh2 (moderate load, dry climate shrub) to represent the existing vegetative fuels. Site photographs provided in Attachment 4 depict the fuels present on and adjacent to the project site.
- Selected wildland fire run scenarios from the NE and SW representing an offshore Santa Ana wind event and an onshore wind event. Santa Ana wind events represent “worst-case” conditions and represent the highest wind speeds and lowest fuel moistures likely to occur at the project site.
- Conducted fire behavior modeling using the BehavePlus 6 modeling system for existing conditions and post-development fuel modification (see results in Table 1). The location of model runs is provided in Figure 1.

Table 1. Fire Behavior Modeling Results

Fire Scenarios	Flame Length (feet)	Fireline Intensity (BTU/feet/second)	Spread Rate (mph)	Spotting Distance (miles)
<i>Scenario 1: 15% slope, 40 mph NE wind</i>				
Fuel Model Sh1 (scrub/mustard)	8.4	584	1.0	0.7
Fuel Model Sh2 (scrub/mustard)	14.1	1,781	0.8	0.9
<i>Scenario 1 Fuel Mod: 10% slope, 40 mph NE wind</i>				
Fuel Model 8 (irrigated landscaping)	2.6	46	0.1	0.3
<i>Scenario 2: 15% slope, 20 mph SW wind</i>				
Fuel Model Sh1 (scrub/mustard)	8.5	589	1.0	0.7
Fuel Model Sh2 (scrub/mustard)	14.1	1,796	0.8	0.9

Table 1. Fire Behavior Modeling Results

Fire Scenarios	Flame Length (feet)	Fireline Intensity (BTU/feet/second)	Spread Rate (mph)	Spotting Distance (miles)
<i>Scenario 2 Fuel Mod: 15% slope, 20 mph SW wind</i>				
Fuel Model 8 (irrigated landscaping)	2.6	46	0.1	0.3

An additional assessment was conducted to determine fire behavior during a Santa Ana wind event (worst-case weather conditions) in areas adjacent to the project site using the FlamMap software package. Direct impacts from wildfire are not likely at the project site due to flame lengths less than 20 feet in adjacent lands and the planned Fuel Modification Zones.

The following paragraphs provide descriptions of the inputs used in processing the FlamMap model. In addition, data sources are cited, and any assumptions made during the modeling process are described. A graphical representation of the model results is provided in Figure 2

Elevation

The elevation data file represents units of meters above mean sea level (AMSL). Elevations in the FlamMap analysis area range from 1,585 to 2,625 feet AMSL. Elevation data is a required input file for FlamMap runs and are necessary for adiabatic adjustment of temperature and humidity and for conversion of fire spread between horizontal and slope distances.

Slope

The slope data file represents values in degrees of inclination from horizontal. Slope values in the FlamMap analysis area range from 0–32 degrees. The slope input file is necessary for computing slope effects on fire spread and solar radiance.

Aspect

The aspect data file represents values in azimuth degrees. Aspect values are important in determining the solar exposure of grid cells.

Wind and Fuel Moisture

Wind speed and fuel moisture values for the FlamMap analysis utilized the same values as those used in the BehavePlus runs for Santa Ana weather scenarios. Wind and fuel moisture data was collected from local RAWS stations (Stations 045624 (Clark) and 045617 (Beaumont)). The FireFamilyPlus 6.0 software package was utilized to analyze local RAWS station data to empirically determine Santa Ana weather

conditions representative of those which have occurred previously at the project location. Wind alignment and speeds were determined and set to 70 degrees and 40 mph respectively.

Fuel Model

The fuel model data file was based on the 40 Scott and Burgan (2005) models and represents distinct distributions of fuel loading found among surface fuel components (live and dead), size classes, and fuel types⁵.

Recommendations / Justification

Reduced/mitigated FMZs have been discussed and upon provisions for measures that provide the same practical effect, approved by the fire department. This Fire Protection Technical Report proposes the following approach and justification. The fire protection measures are evaluated to provide at least equivalent protection based on the experience of the preparers of this report.

1. Site fire environment and fire behavior is not significant. The vegetation on site and on adjacent lands is sparse – dried mustard and scattered sage. The ridge behind the project site slopes up and away from project, is covered with sparse light vegetation and rocks, which is beneficial.
2. Structures will be constructed in accordance with CRC R337 (Residential Code equivalent of CBC Chapter 7A) building codes (within FHSZ) and will include features such as ember resistant vents (baffled not just mesh).
3. FMZ will be provided around entire perimeter of the project site (see Fuel Modification Plan – Attachment 2). (Where the FMZ and Jurisdictional Delineation area overlaps along the upper portion of the southeastern property line, active fuel treatment will be conducted so as to avoid impacts. The channel is comprised of large boulders with limited vegetation and in its existing state acts as a fuel modification area.) The Project will be hardened throughout.
 - a. The Project shall attempt to obtain an interim off-site FMZ easement for Pads 7 and 13 so that a total of 100 feet of FMZ from the Project's structures can be achieved. The off-site FMZ would be limited to thinning/mowing of existing vegetation annually. Should the off-site easement be infeasible based on an unwilling neighbor, then alternative fire protection is proposed:
 - i. Wherever less than 100 feet of FMZ (on and off site combined) is achievable, a 6-foot tall, masonry wall will be constructed at the property line in lieu of the additional FMZ.

⁵ Scott, Joe H. and Robert E. Burgan. 2005. Standard fire behavior fuel models: a comprehensive set for use with Rothermel's surface fire spread model. Gen. Tech. Rep. RMRS-GTR-153. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 72 p.

Wall Justification: When buildings are set back from slopes, and a wall is placed at the property line, flames and radiant heat are deflected vertically reducing the effects of heat on the structure. If a structure cannot be setback adequately, or where the slope is less than 30%, a noncombustible wall can help deflect the flames from the structure⁶. The duration of radiant heat impact on the exposed side of the house is also reduced. The structure setback is important to avoid heat and/or flame intersection with the structure.

Heat-deflecting landscape walls of masonry construction that are six feet in height will be incorporated at the edge of lots where FMZs are the most constrained (Pads 7 and 13). The landscape walls provide a vertical, non-combustible surface in the line of heat, fumes, and flame. Once these fire byproducts intersect the wall, they are deflected upward or, in the case where lighter fuels are encountered, they are quickly consumed, heat and flame are absorbed or deflected by the wall, and the fuels burn peaks out within a short (30 second – 2 minute) time frame⁷. Walls like these have been observed to deflect heat and airborne embers on numerous wildfires in San Diego, Orange, Los Angeles, Ventura, and Santa Barbara County.

Rancho Santa Fe Fire Protection District, Laguna Beach Fire Department, Orange County Fire Authority, Murrieta Fire Protection District, and others utilize these walls as alternative methods based on observed performance during wildfires. This has led to these agencies approving use of non-combustible landscape walls as mitigations for reduced fuel modification zones and reduced setbacks at top of slope. While fuel moistures vary slightly across these jurisdictions, Santa Ana wind events create similar fuel moistures across a broad geographical area due to intensive drying of fuels. Therefore, this mitigation is also justified within the MVFD. These walls are consistent with NFPA 1144 Standard for Reducing Structure Ignition Hazards from Wildland Fire – 2008 Edition, Section 5.1.3.3 and A.5.1.3.3 and International Urban Wildland Interface Code (ICC 2012). NFPA 1144, A.5.1.3.3 states: “Noncombustible walls and barriers are effective for deflecting radiant heat and windblown embers from structures.” These walls and barriers are usually constructed of noncombustible materials (concrete block, bricks, stone, stucco) or earth where 30 feet (9 meters) of defensible space is not available.

- ii. Those units on the west side of the Project that are unable to provide 100’ FMZ will be developed at a later date as Phase II after the adjacent development (Gateway Center) has removed the existing native vegetation as part of their grading phase.
4. Provide FMZ inspections annually. Inspections will be performed by RCFD or, at their preference, the Project would fund inspections by a 3rd party to their satisfaction. This measure will ensure that the FMZ is functioning as intended.
 5. Identify and mark fire lane and/or no parking areas as required.

⁶ National Fire Protection Association (NFPA) 2005: Protecting Life and Property from Wildfire. James C. Smalley, Editor.

⁷ Quarles and Beall. 2022. Proceedings of the California 2001 Wildfire Conference. Accessed at <https://fireecology.org>

6. Provide enlarged turns at both internal loop roadway turns.
7. Dual pane (both panes) tempered glass for openings on exposed sides of the structures on Pads 7 and 13.
8. Loop internal road system with two 36-foot wide, multi-lane, physically separated ingress/egress roadways.
9. Hardening at Project access point via pavement and landscaping.
10. Fire access points at the terminus of each driveway along the north side of Project for firefighting. Additionally, the area behind the northeast side of the project includes a 10-to-12-foot flat area that will be available to pedestrian firefighters via the provided accesses at the end of each driveway in that area.

Summary

The structures will be constructed following CRC R337 and CBC Chapter 7A requirements to ensure reduced ignition potential. In addition, hardening of the structures including enhanced vents and enhanced glazing requirements will be included on selected units as noted above and a noncombustible landscape wall will be placed to mitigate FMZ reductions.

The internal circulation provides the necessary access to all structures with fire department turnarounds required for any driveway greater than 150 feet. The minimum roadway width of 36 feet meets the requirements for buildings less than 30 feet in height. Hydrants will need to be installed within the project site.

The primary access off Morton Road has been enhanced to include two 36' wide physically separated roadways for ingress and egress to reduce traffic congestion during emergencies, by providing dedicated ingress and egress routes.

Figures 1-2

Attachment: Gateway Heights PUD - 2 of 3 (6350 : Gateway Heights Tract 38459)

Table 1. Fire Behavior Modeling Results

Fire Scenarios	Flame Length (feet)	Fireline Intensity (BTU/feet/second)	Spread Rate (mph)	Spotting Distance (miles)
Scenario 1: 15% slope, 40 mph NE wind				
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Fuel Model Sh2 (scrub/mustard)	14.1	1,796	0.8	0.9
Scenario 2 Fuel Mod: 15% slope, 20 mph SW wind				
Fuel Model 8 (irrigated landscaping)	2.6	46	0.1	0.3



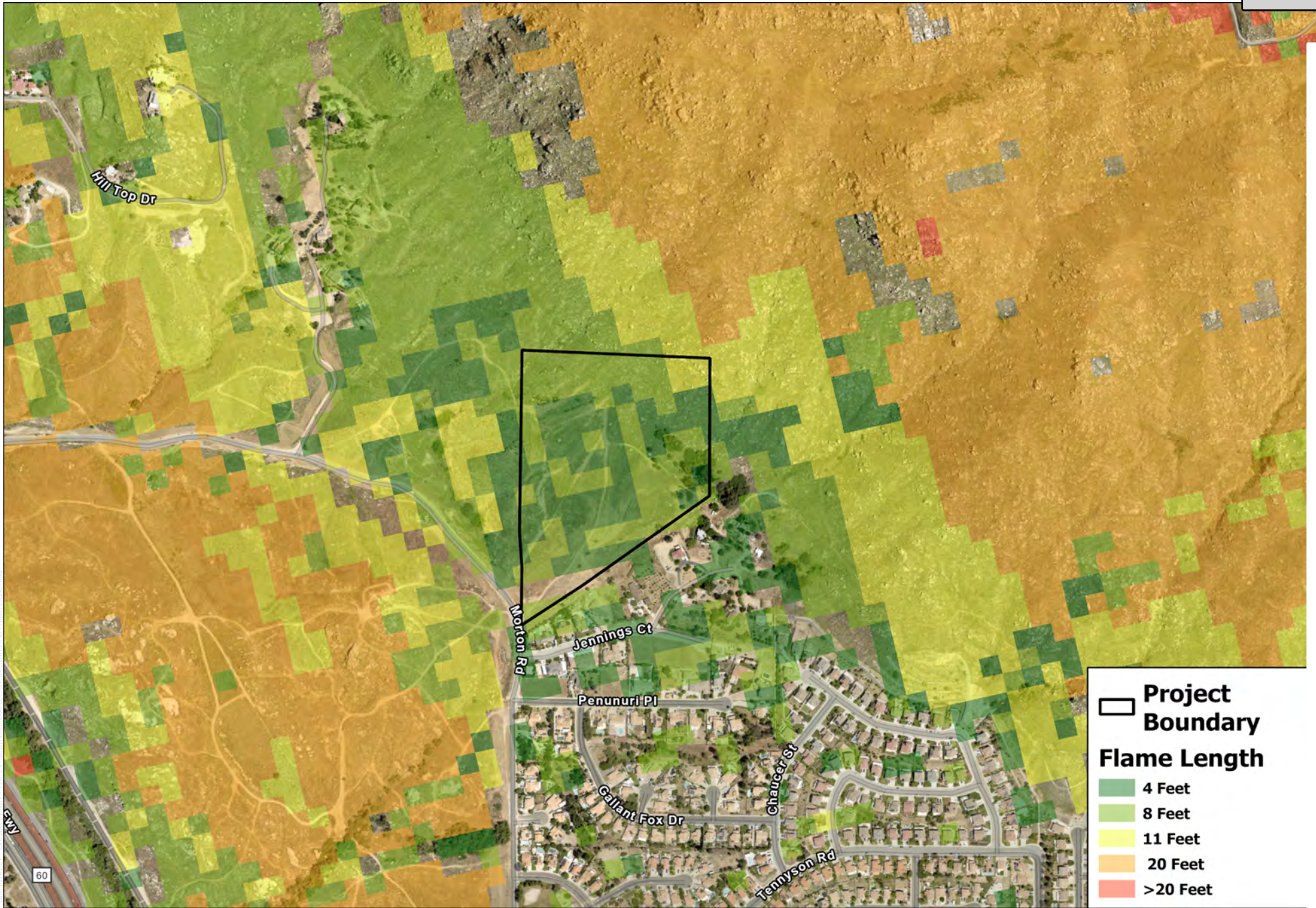
Attachment: Gateway Heights PUD - 3 of 3 (6350 : Gateway Heights Tract 38459)

Document Path: Z:\Projects\1408800\MAPDOC\DOCUMENT\FPP\FIG_4_BehavePlusAnalysis\Map.mxd

SOURCE: AERIAL- BING MAPPING SERVICE; DEVELOPMENT- EDWIN SAMLIN 2021



FIGURE 1
BehavePlus Analysis Map
Fire Protection Plan for the Gateway Heights Project



Attachment: Gateway Heights PUD - 3 of 3 (6350 : Gateway Heights Tract 38459)

FIGURE 2
Flame Lengths
(Santa Ana Wind Event)

Attachment 1

Site Aerial Photograph

Attachment: Gateway Heights PUD - 3 of 3 (6350 : Gateway Heights Tract 38459)

Photo log

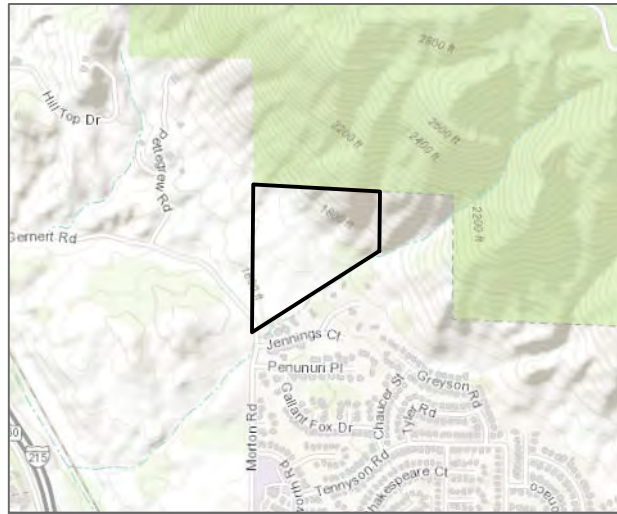
Gateway Heights – Moreno Valley



Aerial view of Project site. Land cover on site is disturbed, grassland, with minimal shrubs. Slopes to the north/northeast are sparsely vegetated with heavy rock outcrop ground cover. East/southeast includes large property single family homes. Land to the west is vacant and planned for development. Morton Road is directly to the west/southwest.

Attachment 2 Fuel Modification Plan

Attachment: Gateway Heights PUD - 3 of 3 (6350 : Gateway Heights Tract 38459)



- Project Boundary
- 30-Ft FMZ
- 100-Ft FMZ
- FMZ Dimensions
- 6-Ft Masonry Wall
- Land Use**
- Building Envelop
- Development
- Roadway
- Driveway
- Park
- Slopes
- Basin
- Bench
- Storm Drain System



SOURCE: AERIAL- RIVERSIDE COUNTY 2019



APPENDIX I

Proposed Project Fuel Modification Plan

Fire Protection Plan for the

Attachment 3
Revised Site Plan Including Two Separate Ingress/Egress Roads

Attachment: Gateway Heights PUD - 3 of 3 (6350 : Gateway Heights Tract 38459)

IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.
SITE PLAN (PEN21-0066)
BEING A PORTION OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN
UNITED ENGINEERING GROUP CA., INC DECEMBER 2022

LEGAL DESCRIPTION:

THAT PORTION OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO, AS SHOWN BY UNITED STATES GOVERNMENT SURVEY; THENCE RUNNING SOUTH ALONG THE WEST LINE OF SAID SECTION 34, 23.50 CHAINS TO THE CORNER MONUMENT MARKING THE NORTHWEST CORNER OF THE LAND CONVEYED TO CECIL R. G. WEBBE TO CHARLES M. DEXTER BY DEED RECORDED IN BOOK 141, PAGE 398, OF DEEDS, SAN BERNARDINO COUNTY RECORDS; THENCE NORTH 56 DEGREES 31' EAST ALONG THE LINE OF LAND SO CONVEYED TO CHARLES M. DEXTER, 23.91 CHAINS TO THE NORTHEAST CORNER OF SAID LAND SO CONVEYED TO CHARLES M. DEXTER; THENCE NORTH ALONG THE CENTER LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, 10.40 CHAINS TO THE NORTH LINE OF SAID SECTION 34; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION, 20 CHAINS TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY INTEREST OF THE COUNTY OF RIVERSIDE IN AND TO THAT PORTION LYING WITHIN MORTON ROAD.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED PARCEL LYING SOUTHWESTERLY OF SAID MORTON ROAD.

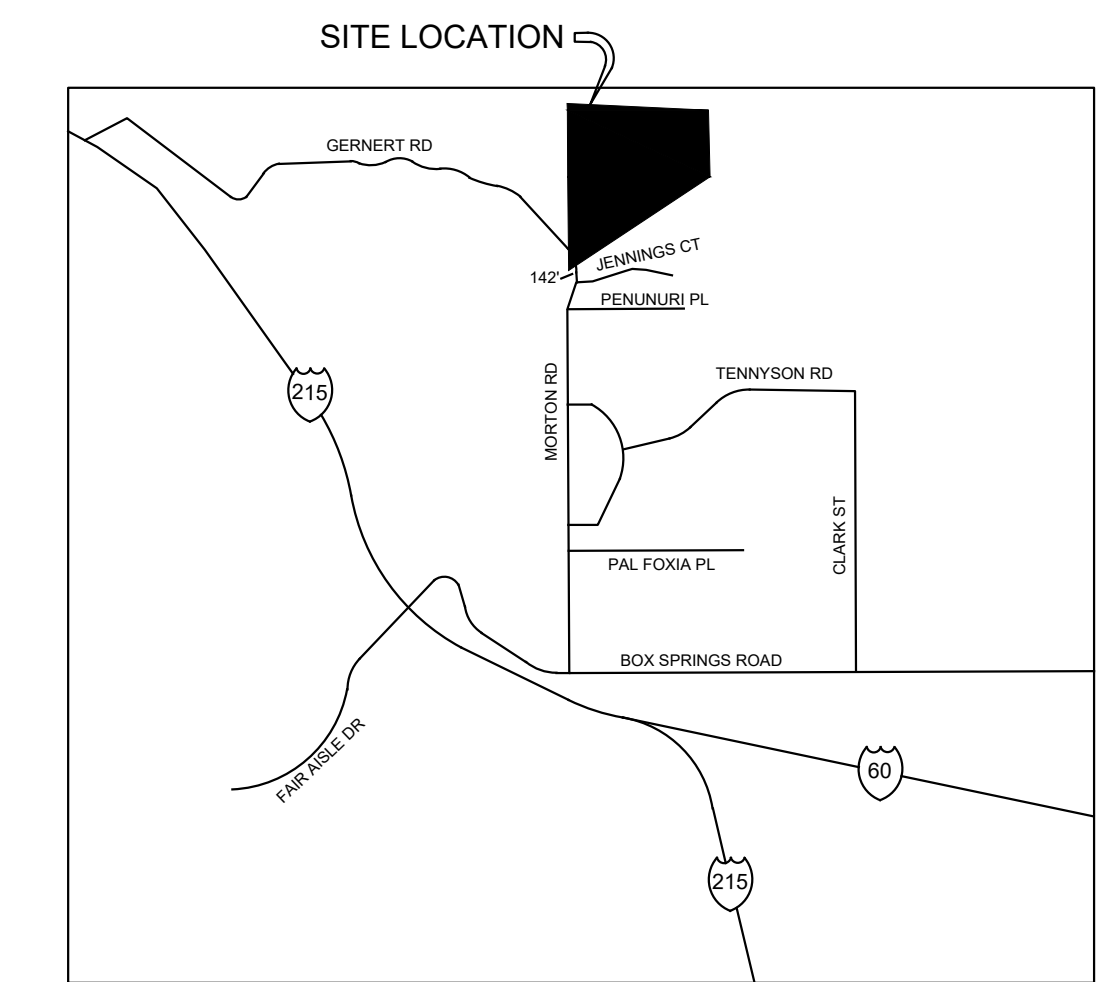
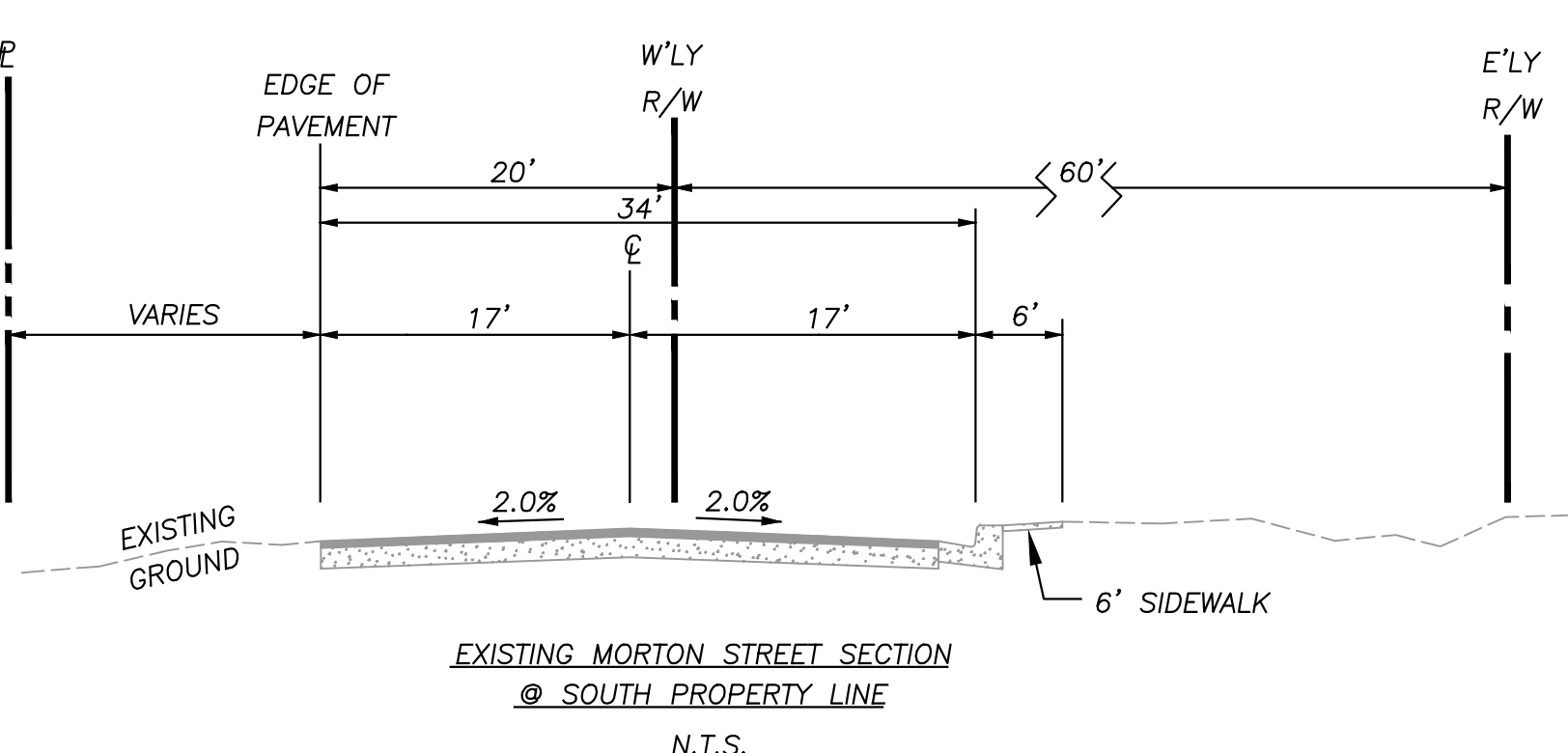
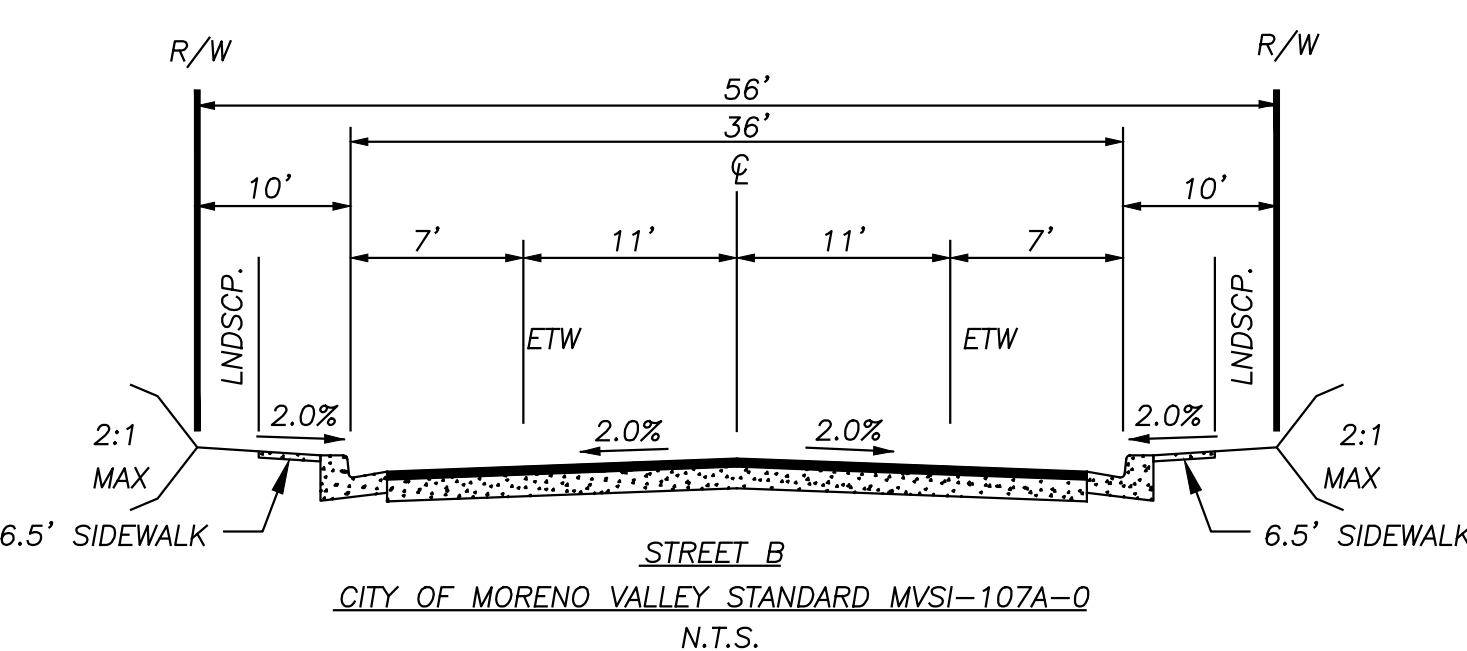
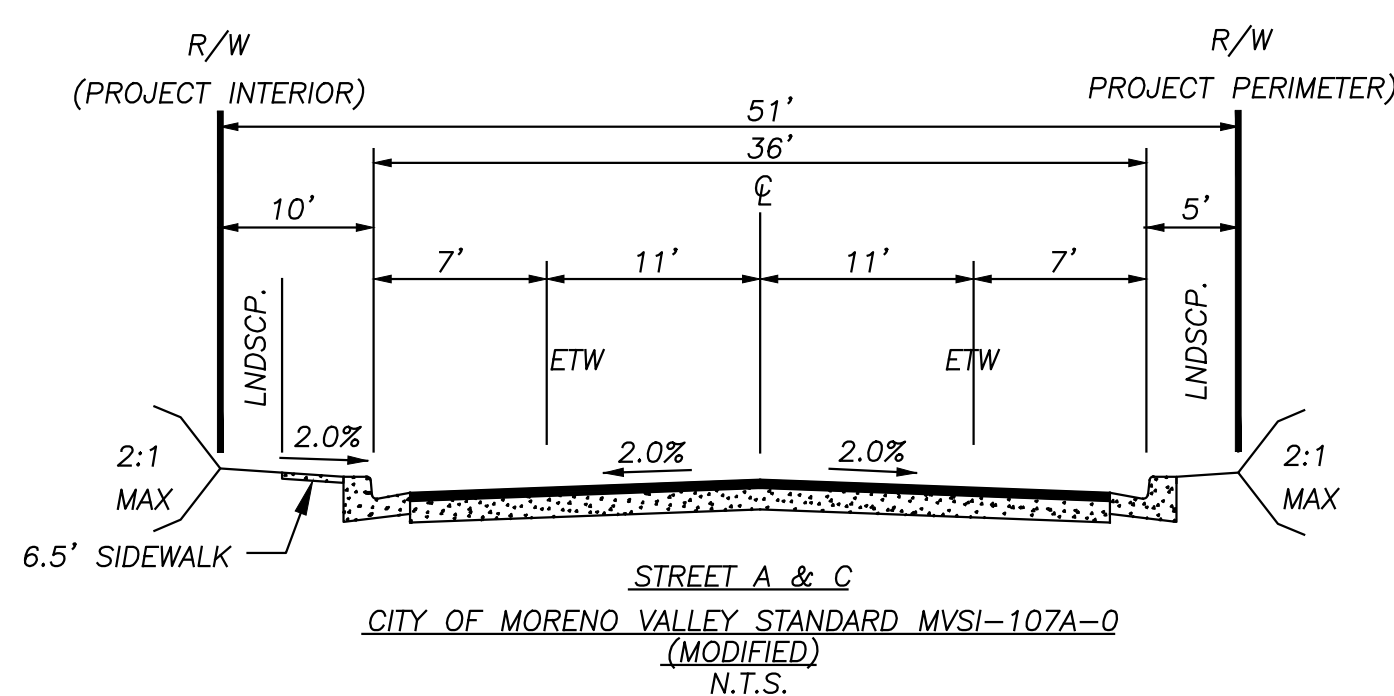
PARCEL NUMBER(S): 256-150-001

UTILITY PURVEYORS:

Table listing utility providers for Water, Sewer, Telephone, and School, including Eastern Municipal Water District, Southern California Edison, Southern California Gas, Spectrum, and Moreno Valley USD.

LEGEND

- FF FINISHED FLOOR
FL FLOW LINE
R/W RIGHT-OF-WAY
BSL BUILDING SETBACK LINE
FSL FIRE SEPARATION LINE
S PROPOSED SEWER LINE
W PROPOSED WATER LINE
ES EXISTING SEWER LINE
EW EXISTING WATER LINE
DL DEVELOPMENT LIMITS
PB PROJECT BOUNDARY CENTERLINE
EDR EXISTING DIRT ROAD
PP POWER POLE
OPL OVERHEAD POWER LINE
FMZ FUEL MODIFICATION ZONE
DW DECORATIVE WALL
GL GRADING DAYLIGHT LINE



VICINITY MAP N.T.S.

GENERAL NOTES:

- 1. APN: 256-150-001
2. TOPOGRAPHY SOURCE: CALVADA SURVEYING, INC. COMPILED 4-2018. CONTOUR INTERVAL-1FT.
3. THE LAND DOES NOT LIE WITHIN AN ALQUIST-PRIOLO EARTHQUAKE FAULT HAZARD ZONE AS DEFINED BY THE STATE OF CALIFORNIA IN THE ALQUIST-PRIOLO EARTHQUAKE FAULT HAZARD ZONE ACT OR A RIVERSIDE COUNTY FAULT HAZARD MAP, PER GEOTECHNICAL STUDY DATED 9-22-2018 PREPARED BY LGC GEO-ENVIRONMENTAL, INC.
4. THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP FOR THIS SITE IS NO. 06071C5780H. THE SITE IS DESIGNATED AS OTHER FLOOD AREA-ZONE X.
5. THE LAND IS SUBJECT TO LOW LIQUEFACTION HAZARD.
6. THIS AREA IS NOT WITHIN FAULT ZONE.
7. BOUNDARY INFORMATION DISPLAYED ON THIS PLAN HAS BEEN COMPILED FROM RECORD INFORMATION AND IS NOT TO BE USED AS A BOUNDARY SURVEY.
8. PROJECT IS NOT WITHIN A COMMUNITY SERVICES DISTRICT.
9. HOMEOWNERS ASSOCIATION TO MAINTAIN SLOPES, DRAINAGE BASINS, DRAINAGE EASEMENTS, STREETS, PARK, OPEN SPACE AND FUEL MODIFICATION AREAS.
10. PROJECT WILL COMPLY WITH WATER QUALITY TREATMENT REQUIRED IN THE PROJECT SPECIFIC WATER QUALITY MANAGEMENT PLAN.
11. ALL SLOPES ARE 2:1 UNLESS OTHERWISE NOTED.
12. TO THE BEST OF OUR KNOWLEDGE, MORTON ROAD NORTHERLY OF JENNINGS COURT HAS NOT BEEN VACATED FROM THE CURVE ALIGNMENT THAT IS RECORDED ON PM27548.
13. PROJECT IS WITHIN THE HIGH FIRE AREA. ALL BUILDINGS ARE TO BE CONSTRUCTED TO BE IN ACCORDANCE WITH 2019 CBC, CHAPTER 7A, FOR HIGH FIRE.
14. REMOVE AND REPLACE WITH TRANSITIONS TO BE DETERMINED AT FINAL STREET PLANS BASED ON CORINGS AND GEOTECHNICAL RECOMMENDATION AND PER CITY ENGINEER.

SITE DATA

Table with 2 columns: Category (TOTAL GROSS AREA, TOTAL NET AREA, etc.) and Value (32.56 ACRES, 32.56 ACRES, etc.).

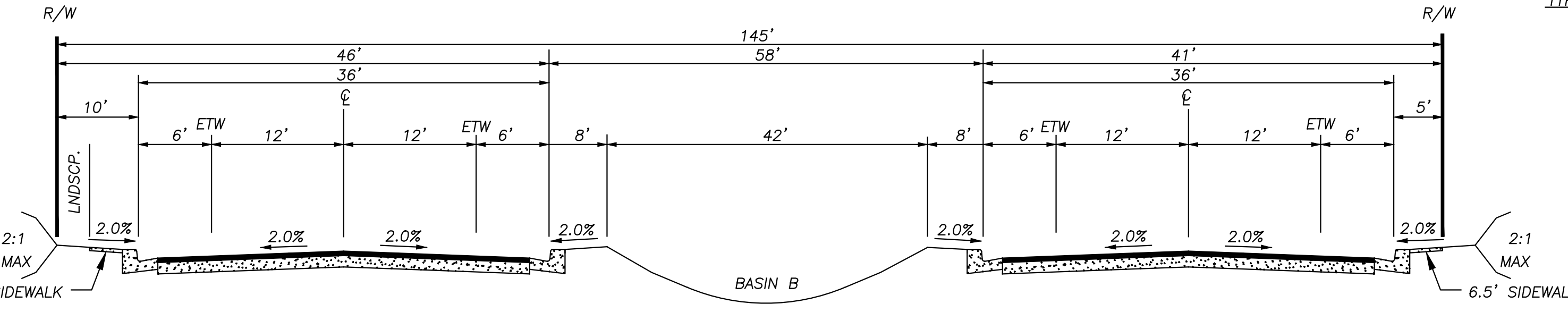
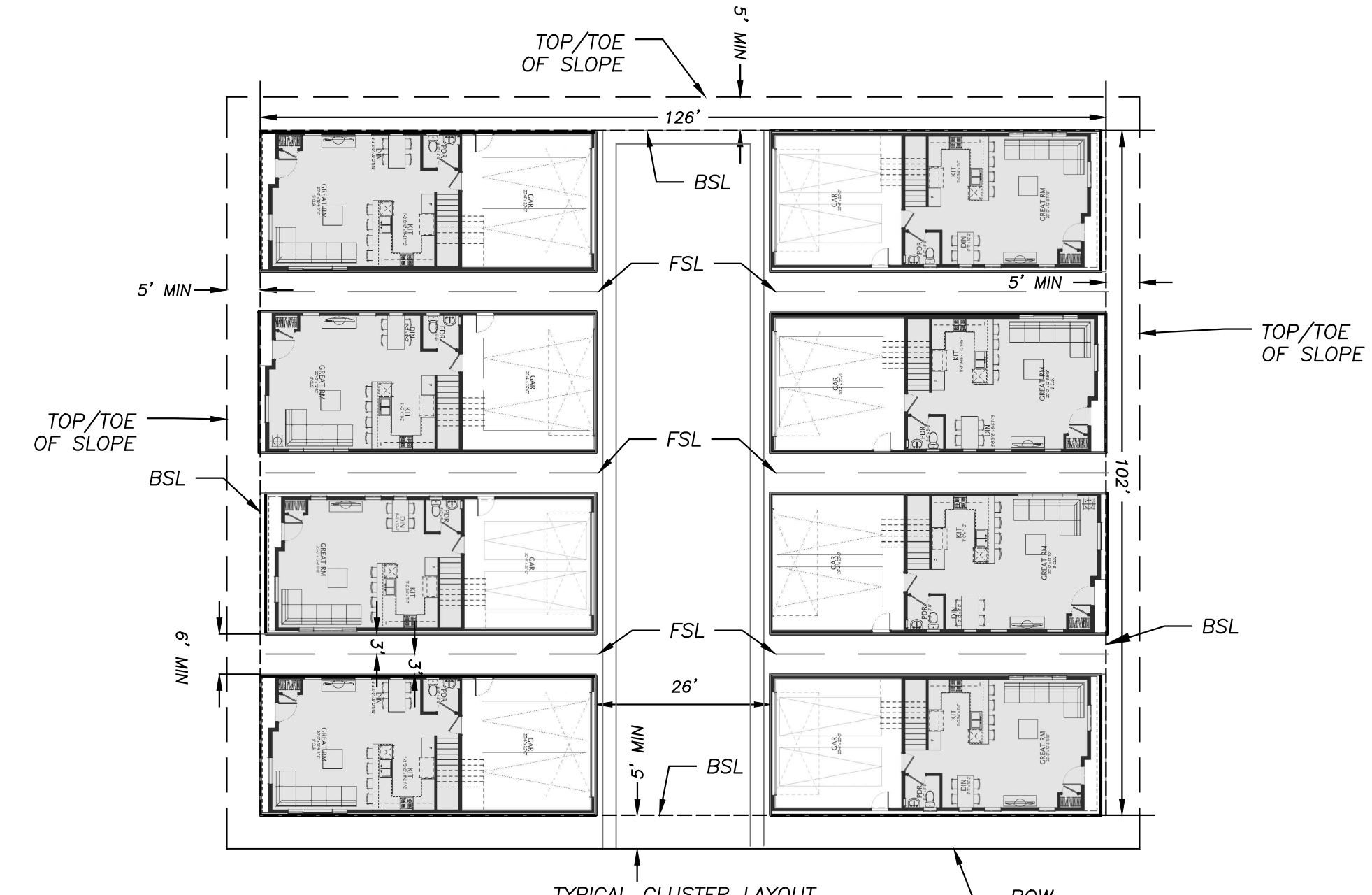
Table with 2 columns: Category (PARK AREA, BASIN A, etc.) and Value (0.89 ACRES, 12,131.24 S.F., etc.).

PROJECT LAND USE

EXISTING LAND USE.....VACANT
PROPOSED LAND USE.....RESIDENTIAL
EXISTING ZONING.....R2 AND HR
PROPOSED ZONING.....R10 AND OS

SURROUNDING LAND USE

NORTH: HILLSIDE RESIDENTIAL (HR) & CONSERVATION (COUNTY OF RIVERSIDE)
SOUTH: RESIDENTIAL MAX SDU/ACE (RS)
EAST: HILLSIDE RESIDENTIAL (HR)
WEST: GATEWAY CENTER SPECIFIC PLAN (COUNTY OF RIVERSIDE)



DEVELOPER:
JASON ACKERMAN
3200 GUASTI ROAD #100
ONTARIO, CA 91761
(909) 456-1460 OFFICE
(909) 223-3302 MOBILE
jason.ackerman@ackermaniawpc.com

OWNER/APPLICANT:
SHIZAO ZHENG
1378 WEST ZHONGSHAN ROAD
NINGBO, CHINA 315-016
(626) 666-1470

ENGINEER/PLAN PREPARER:
UNITED ENGINEERING GROUP CA, INC
8885 HAVEN AVENUE, SUITE 195
RANCHO CUCAMONGA, CA 91730
(909) 466-9240 #203 OFFICE
(909) 292-6677 MOBILE
bcopper@unitedeng.com

ueg united engineering group logo and address: 8885 Haven Avenue Suite 195 Rancho Cucamonga, CA 91730 Phone: 909.466.9240 www.unitedeng.com

SITE PLAN DECEMBER 2022 SHEET 1 OF 1 PROJECT NUMBER CA-30182 GATEWAY HEIGHTS CONDITIONAL USE PERMIT PEN21-0066

Attachment 4 Site Photographs

Attachment: Gateway Heights PUD - 3 of 3 (6350 : Gateway Heights Tract 38459)

ATTACHMENT 4 - SITE PHOTOGRAPHS



Photograph 1: Photograph taken from Morton Road looking northeast at the project site showing on and off-site fuels and adjacent hillslopes that exists up and away from the project site. Rock outcroppings covering the hillslope reduce wildfire hazard by taking away burnable fuels.



Photograph 2: Photograph taken from the western edge of the project site looking east. On-site fuels are low load and comprised of short shrubs and annual grasses.



Photograph 3: Photograph taken from the northern boundary of the project site looking west picturing adjacent shrub and grass fuels and electrical transmission line. Spacing between vegetation decreases wildfire spread.



Photograph 4: Photograph taken from northeastern boundary of project site showing shrub and grass fuels in addition to adjacent trees and rock outcroppings. Fuel loads are highest along the project site's northern boundary.



Sample Plant Palette

TREES	BOTANICAL NAME	COMMON NAME	SIZE	TYPE	USE	WUCOLS	STYLE	CA NATIVE
	Arbutus unedo	Strawberry Tree	15 gal	Evergreen	Accent Tree	Low	Standard	No
	Cercis occidentalis	Western Redbud Multi-trunk	15 gal	Deciduous	Accent Tree	Low	Standard	Yes
	Lagerstroemia indica x fauriei 'Natchez'	Natchez Crape Myrtle	15 gal	Deciduous	Accent Tree	Medium	Standard	No
	Quercus agrifolia	Coast Live Oak	15 gal	Evergreen	Screen Tree	Low	Standard	Yes
	Quercus wislizeni	Interior Live Oak	15 gal	Evergreen	Accent Tree	Low	Standard	Yes
	Rhus lancea	African Sumac	15 gal	Evergreen	Screen Tree			

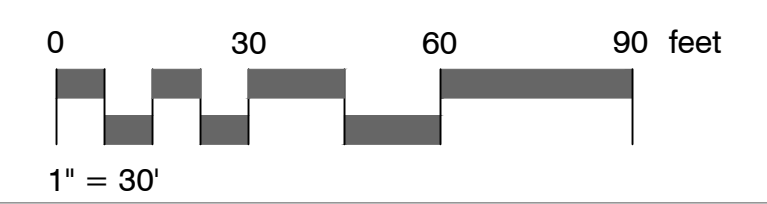
Sample Plant Palette

SHRUBS	BOTANICAL NAME	COMMON NAME	SIZE	TYPE	WUCOLS	CA NATIVE
	Agave species	Agave	5 gal	Evergreen	Low	No
	Ceanothus spp.	Ceanothus several species	5 gal	Evergreen	Low	Yes
	Cistus x pulverulentus 'Sunset'	Sunset Rockrose	5 gal	Evergreen	Low	No
	Dasyliion wheeleri	Grey Desert Spoon	5 gal	Evergreen	Low	No
	Hesperaloe parviflora	Red Yucca	5 gal	Evergreen	Low	No
	Heteromeles arbutifolia	Toyon	5 gal	Evergreen	Low	Yes
	Kniphofia uvaria 'Shining Sceptre'	Shining Sceptre Red Hot Poker	5 gal	Evergreen	Low	No
	Mimulus aurantiacus	Sticky Monkeyflower	5 gal	Evergreen	Low	Yes
	Penstemon parryi	Parry's Beardtongue	1 gal	Evergreen	Low	No
	Rhamnus californica	California Coffeeberry	5 gal	Evergreen	Low	Yes
	Salvia clevelandii	Cleveland Sage	5 gal	Evergreen	Low	Yes
	Salvia greggii	Autumn Sage	5 gal	Evergreen	Low	Yes
	Salvia leucantha	Mexican Bush Sage	5 gal	Evergreen	Low	No
	Salvia leucophylla	Purple Sage	5 gal	Evergreen	Low	Yes
GROUND COVERS	BOTANICAL NAME	COMMON NAME	SIZE	TYPE	WUCOLS	CA NATIVE
	Acacia redolens 'Desert Carpet'	Desert Carpet Bank Catclaw	5 gal	Evergreen	Low	No
	Baccharis pilularis 'Pigeon Point'	Pigeon Point Coyote Brush	5 gal	Evergreen	Low	Yes
	Ceanothus griseus horizontalis	Carmel Creeper	5 gal	Evergreen	Low	Yes
	Myoporum parvifolium	Trailing Myoporum	5 gal	Evergreen	Low	No
	Rosmarinus officinalis 'Prostratus'	Prostrate Rosemary	5 gal	Evergreen	Low	No
	Zauschneria californica	California Fuchsia	5 gal	Evergreen	Low	Yes

NOTE: Fuel modification shall be HOA maintained.

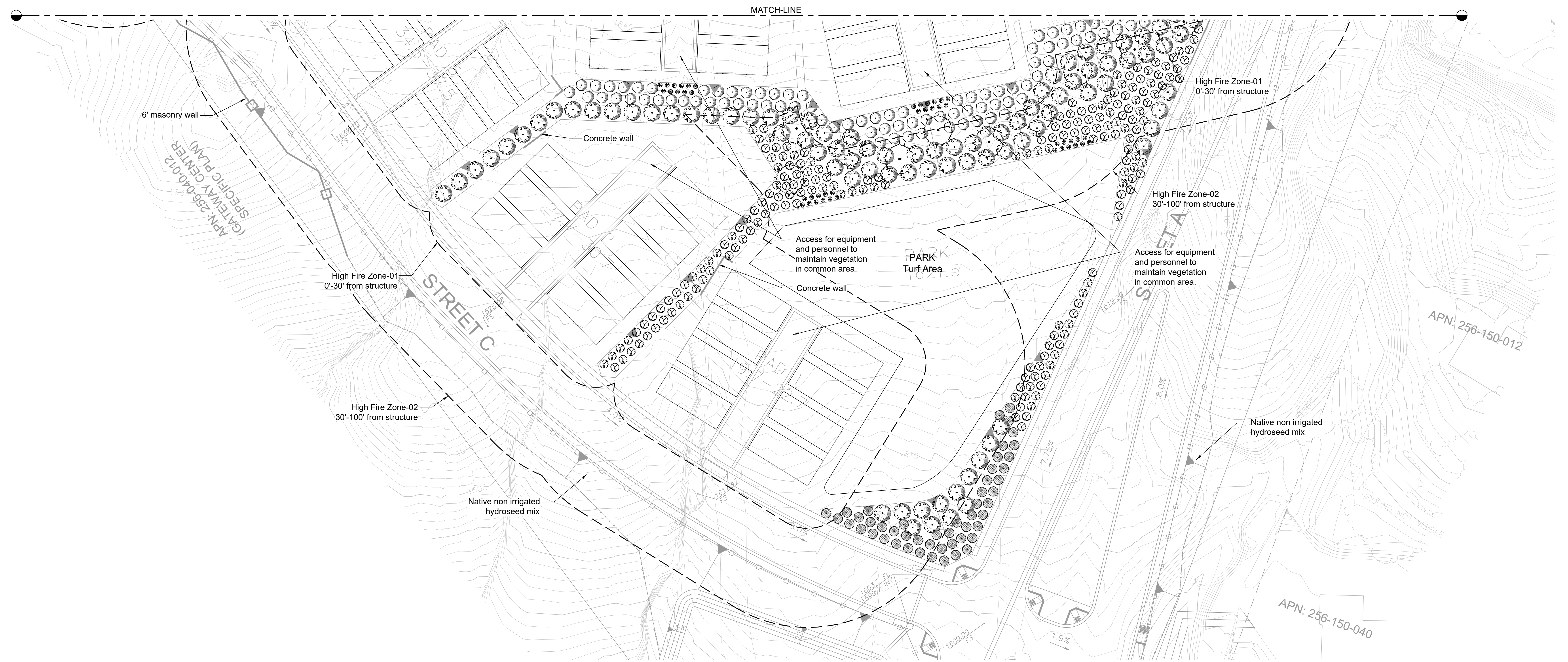
NOTE: All plants shown on this plan are either ground covers or trees.

NOTE: This information is conceptual in nature and is subject to adjustments pending further verification and Client and Governmental Agency approval. No warranties or guarantees are given or implied by the Architect.



PRELIMINARY FIRE PROTECTION PLAN
GATEWAY HEIGHTS
 MORENO VALLEY, CA

WOOD ARCHITECTURE
 Project: 22070_WA
 Date: 01.31.2023
 Scale: 1" = 30'
www.iwoodarchitecture.com



Sample Plant Palette

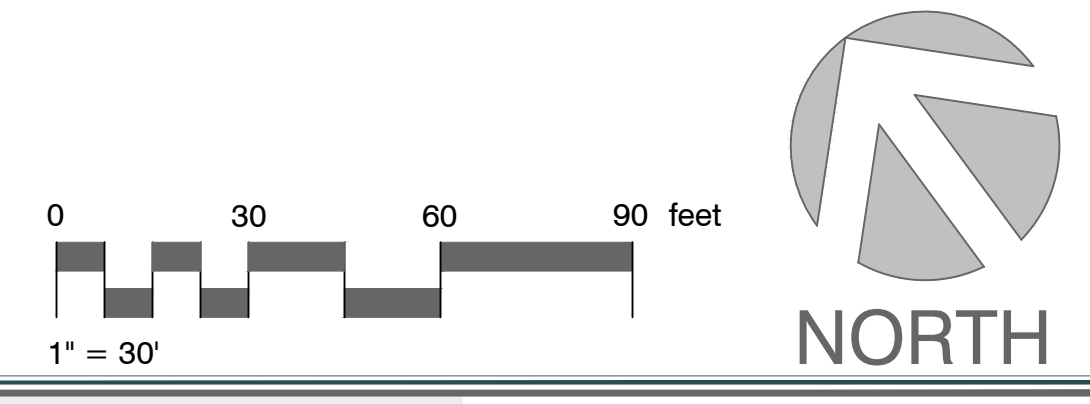
TREES	BOTANICAL NAME	COMMON NAME	SIZE	TYPE	USE	WUCOLS	STYLE	CA NATIVE
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	Cercis occidentalis	Western Redbud Multi-trunk	15 gal	Deciduous	Accent Tree	Low	Standard	Yes
	Lagerstroemia indica x fauriei 'Natchez'	Natchez Crape Myrtle	15 gal	Deciduous	Accent Tree	Medium	Standard	No
	Quercus agrifolia	Coast Live Oak	15 gal	Evergreen	Screen Tree	Low	Standard	Yes
	Quercus wislizeni	Interior Live Oak	15 gal	Evergreen	Accent Tree	Low	Standard	Yes
	Rhus lancea	African Sumac	15 gal	Evergreen	Screen Tree			

Sample Plant Palette

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	Hesperaloe parviflora	Red Yucca	5 gal	Evergreen	Low	No
	Heteromeles arbutifolia	Toyon	5 gal	Evergreen	Low	Yes
	Kniphofia uvaria 'Shining Sceptre'	Shining Sceptre Red Hot Poker	5 gal	Evergreen	Low	No
	Mimulus aurantiacus	Sticky Monkeyflower	5 gal	Evergreen	Low	Yes
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NOTE: Fuel modification shall be HOA maintained.

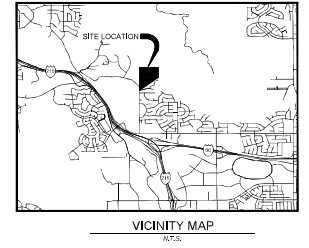
NOTE: All plants shown on this plan are either ground covers or trees.



PRELIMINARY FIRE PROTECTION PLAN
GATEWAY HEIGHTS
 MORENO VALLEY, CA

WOOD ARCHITECTURE
 Project: 22070_WA
 Date: 01.31.2023
 Scale: 1" = 30'
www.iwoodarchitecture.com

IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA,
SITE PLAN
BEING A PORTION OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN
UNITED ENGINEERING GROUP CA., INC MARCH 2022



LEGAL DESCRIPTION:

THAT PORTION OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE ORIGINAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO, AS SHOWN BY UNITED STATES GOVERNMENT SURVEY; THENCE RUNNING SOUTH ALONG THE WEST LINE OF SAID SECTION 34, 23.60 CHAINS TO THE CORNER MONUMENT MARKING THE NORTHWEST CORNER OF THE LAND CONVEYED TO CECIL R. G. REBERE TO CHARLES M. DEUTYER BY DEED RECORDED IN BOOK 141, PAGE 388, OF RECORDS, SAN BERNARDINO COUNTY RECORDS;

EXCEPTING THEREFROM ANY INTEREST OF THE COUNTY OF RIVERSIDE IN AND TO THAT PORTION LYING WITHIN WORTON ROAD.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED PARCEL LYING SOUTHWESTERLY OF SAID WORTON ROAD.

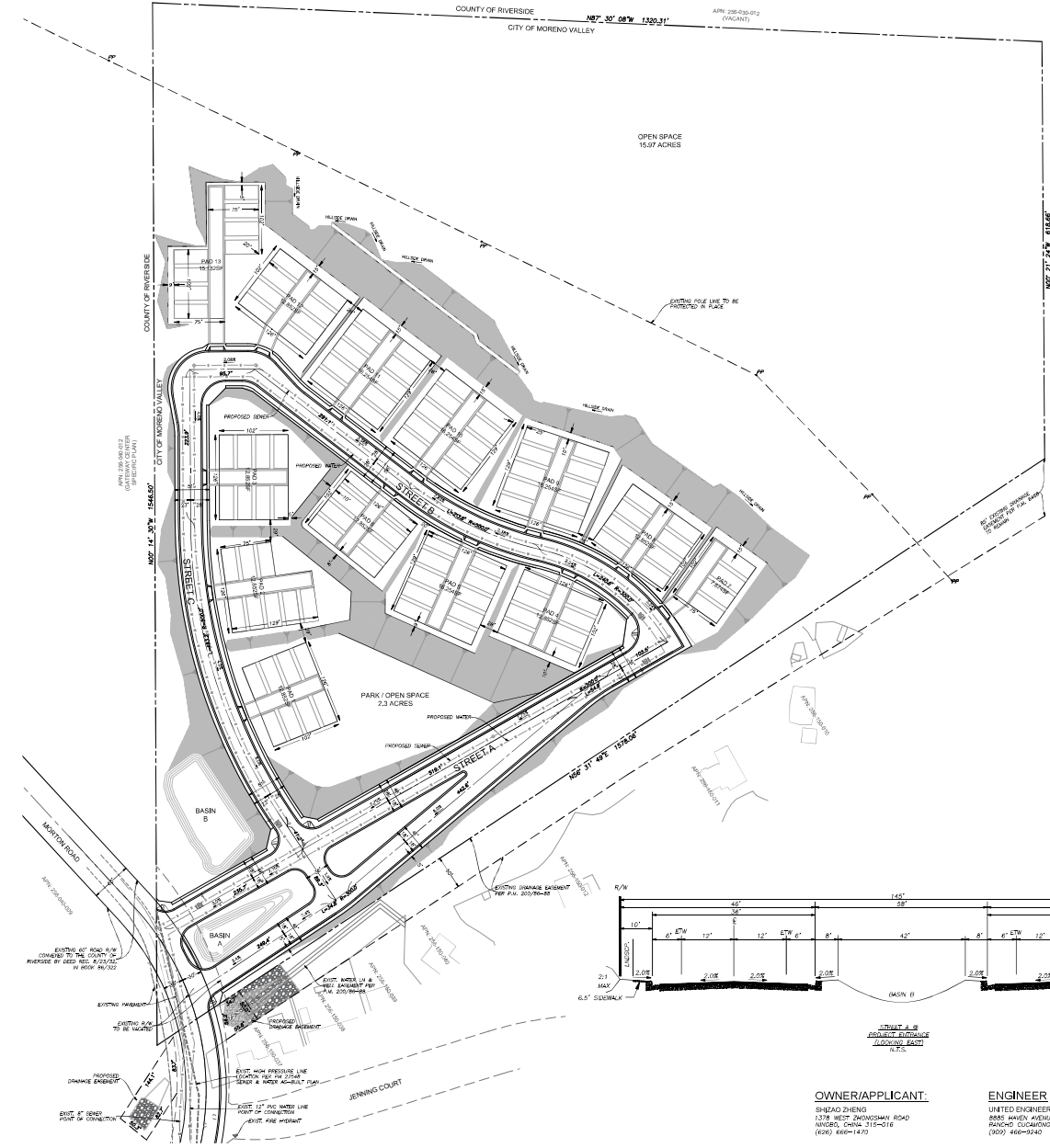
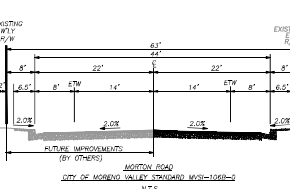
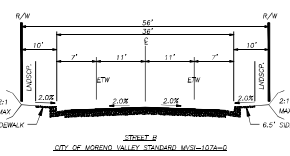
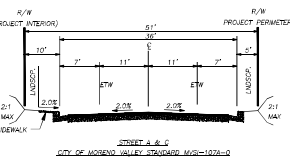
PARCEL NUMBER(S): 256-103-001

UTILITY PURVEYORS:

- WATER: EASTERN MUNICIPAL WATER DISTRICT, 2372 TRAVELER ROAD, RIVERSIDE, CA 92570
SEWER: EASTERN MUNICIPAL WATER DISTRICT, 2372 TRAVELER ROAD, RIVERSIDE, CA 92570
ELECTRIC: SOUTHERN CALIFORNIA Edison, 2492 W. SAN BERNARDINO AVE, RIVERSIDE, CA 92574
GAS: SOUTHERN CALIFORNIA GAS, 4495 HOWARD AVE, RIVERSIDE, CA 92507
TELEPHONE: SPECTRUM, 15025 ARDENBROOK STREET, SUITE 1-10, MORENO VALLEY, CA 92553
CABLE: SPECTRUM, 15025 ARDENBROOK STREET, SUITE 1-10, MORENO VALLEY, CA 92553

LEGEND

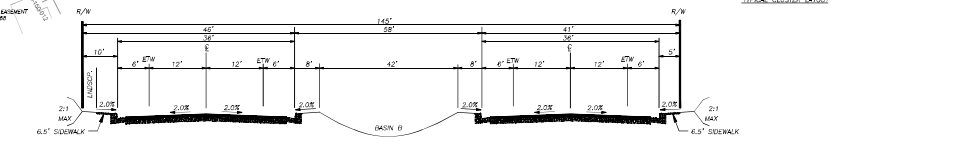
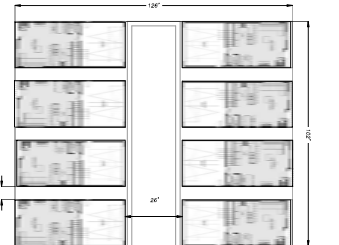
- FF FINISHED FLOOR
FL FLOW LINE
R/W RIGHT-OF-WAY
PROPOSED SEWER LINE
PROPOSED WATER LINE
EXISTING SEWER LINE
EXISTING WATER LINE
DEVELOPMENT LIMITS
PROJECT BOUNDARY
CENTERLINE
EXISTING DIRT ROAD
POWER POLE
OVERHEAD POWER LINE
FUEL MODIFICATION ZONE



- GENERAL NOTES:
1. APRN 256-103-001
2. TOPOGRAPHY SOURCE: CALVARIA SURVEYS, INC. COMPILED 4-2018.
3. THE LAND DOES NOT LIE WITHIN AN ADOPTED-PROLOG EARTHQUAKE FAULT HAZARD ZONE AS DETERMINED BY THE STATE OF CALIFORNIA IN THE ADOPTED-PROLOG EARTHQUAKE FAULT HAZARD ZONE ACT ON A RIVERSIDE COUNTY FAULT HAZARD MAP...
12. TO THE BEST OF OUR KNOWLEDGE, WORTON ROAD NORTHEASTLY OF JENNING COURT IS NOT BEING VACATED FROM THE DRIVE ALLOTMENT THAT IS RECORDED ON PLAT 548.

Table with 2 columns: Item, Value. Includes TOTAL GROSS AREA (32.56 ACRES), TOTAL NET AREA (22.56 ACRES), DEVELOPMENT AREA (16.69 ACRES), PARK AREA (0.89 ACRES), etc.

Table with 2 columns: Existing Land Use, Surrounding Land Use. Includes VACANT, RESIDENTIAL (RS), COMMERCIAL (C), etc.



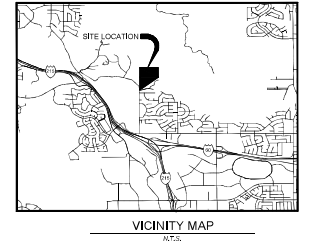
SHEET INDEX table with columns for Sheet Number and Description.

OWNER/APPLICANT: SHIHAO ZHENG, 1278 WEST DOWNSHAY ROAD, ANGELES, CHINA 315-016
ENGINEER: UNITED ENGINEERING GROUP CA, INC, 8885 HAVEN AVENUE, SUITE 105, RANCHO CUCUMAGONA, CA 91730

Professional seals for Shihao Zheng and Sean C. Phillips, project summary table, and project information table.

Attachment: Project Plans (6350 : Gateway Heights Tract 38459)

IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA,
CONCEPTUAL GRADING PLAN
BEING A PORTION OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN
UNITED ENGINEERING GROUP CA., INC MARCH 2022



GENERAL NOTES:

1. APRN 208-192-001
2. TOPOGRAPHY SOURCE: CALIFORNIA SURVEYING, INC. COMPILED 4-2018.
3. THE LAND DOES NOT LIE WITHIN AN ALLOST-PROLO EARTHQUAKE FAULT HAZARD ZONE AS DETERMINED BY THE STATE OF CALIFORNIA IN THE ALLOST-PROLO EARTHQUAKE HAZARD ZONE ACT OR A RIVERSIDE COUNTY FAULT HAZARD MAP, PER GEOTECHNICAL STUDY DATED 3-23-2018 PERFORMED BY LOG GEO-ENVIRONMENTAL, INC.
4. THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP FOR THIS SITE IS NO. 080710208R. THE SITE IS DESIGNATED AS OTHER FLOOD HAZARD ZONE X.
5. THE LAND IS SUBJECT TO LOW LIQUEFACTION HAZARD.
6. THIS AREA IS NOT WITHIN FAULT ZONE.
7. BOUNDARY INFORMATION OBTAINED ON THIS PLAN HAS BEEN COMPILED FROM RECORD INFORMATION AND IS NOT TO BE USED AS A BOUNDARY SURVEY.
8. PROJECT IS NOT WITHIN A COMMUNITY SERVICES DISTRICT.
9. HOMEOWNERS ASSOCIATION TO MAINTAIN SLOPES, DRAINAGE BASINS, DRAINAGE BASINMENTS, STREETS AND FUEL MODIFICATION AREAS.
10. PROJECT WILL COMPLY WITH BEST QUALITY TREATMENT REQUIRED IN THE PROJECT SPECIFIC WATER QUALITY MANAGEMENT PLAN.
11. ALL GRADING WORK SHOWN ON THIS PLAN SHALL BE DONE IN COMPLIANCE WITH CHAPTER 33 OF THE UNIFORM BUILDING CODES AND LOCAL ORDINANCES.
12. PRIOR TO ANY GRADING WORK, A GRADING PERMIT SHALL BE OBTAINED FROM THE CITY OF MORENO VALLEY BUILDING DEPARTMENT.
13. ALL GRADING SHALL CONFORM TO THE RECOMMENDATIONS AND REQUIREMENTS OF THE PRELIMINARY SOILS REPORT DATED SEPTEMBER 22, 2018 BY LOG GEO-ENVIRONMENTAL, INC.
14. ALL SLOPES ARE 2:1 UNLESS OTHERWISE NOTED.
15. TO THE BEST OF OUR KNOWLEDGE, WORKING FROM AERIAL PHOTOGRAPHY OF 2018, WE HAVE NOT BEEN ADVISED FROM THE CLIENTS ADJACENT THAT IS RECORDED ON PG27548.

LEGEND

- RF FINISHED FLOOR
- FL FLOW LINE
- R/W RIGHT-OF-WAY
- S - S UNPROPOSED SEWER LINE
- W - W PROPOSED WATER LINE
- SE EXISTING SEWER LINE
- SW EXISTING WATER LINE
- DEVELOPMENT LIMITS
- - - PROJECT BOUNDARY
- - - CENTERLINE
- - - EXISTING DIRT ROAD
- TOP POWER POLE
- OVERHEAD POWER LINE
- FUEL MODIFICATION ZONE
- Y Y Y 2:1 SLOPE (UNLESS OTHERWISE NOTED)

ESTIMATED EARTHWORK QUANTITIES (RAW)

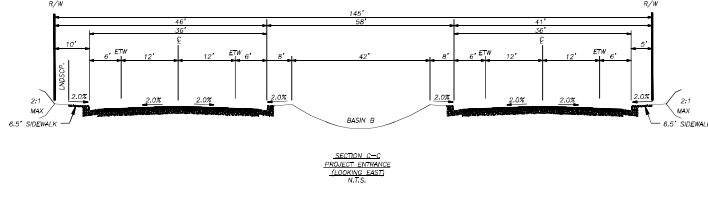
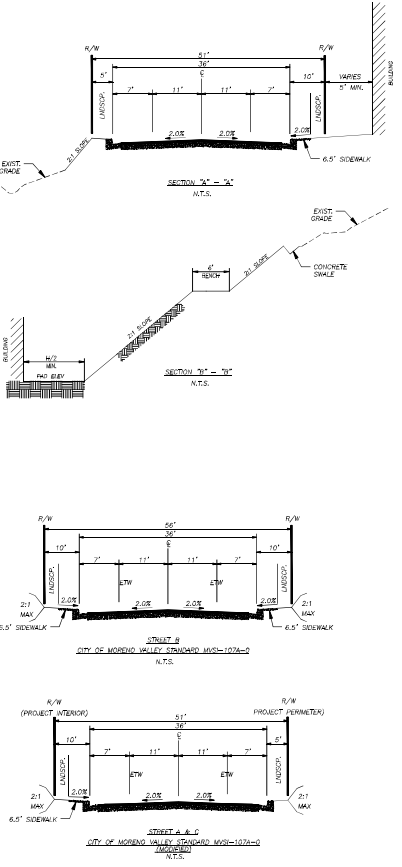
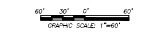
CUT: 90,148 CU YDS. FILL: 58,011 CU YDS.

NOTE: THE ABOVE QUANTITIES DO NOT REFLECT ANY CHANGING, SUBSIDENCE, OVER EXCAVATION, OR ANY SPECIAL CONDITIONS THAT MAY BE OBSERVED IN THE PRELIMINARY SOILS REPORT AND ARE FOR INFORMATION AND ARE ESTIMATED ONLY. SINCE THE EXISTING GROUND CONTROL, THE EXISTING METHOD OR MEANS USED BY THE CONTRACTOR DURING GRADING OPERATIONS, NOR CAN THE ENGINEER GUARANTEE THE EXIST SOIL CONDITION OVER THE ENTIRE SITE, THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE FINAL EARTHWORK QUANTITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THEIR OWN EARTHWORK QUANTITIES FOR BIDDING, CONTRACT AND CONSTRUCTION PURPOSES.

OWNER/APPLICANT: SHIHAD ZHENG, 1178 WEST PALMDALE ROAD, PALMDALE, CALIF. 91301 (818) 866-1470

ENGINEER: UNITED ENGINEERING GROUP CA, INC, 8885 HAVEN AVENUE, SUITE 105, RANCHO CUCAMONGA, CA 91730 (909) 466-9240

GEOTECHNICAL ENGINEER: LOG GEO-ENVIRONMENTAL, INC, 27520 COMMERCE CENTER DRIVE, SUITE 108, TEMECULA, CA 92590 (951) 297-0400



<table border="1"> <thead> <tr><th>NO.</th><th>REVISIONS</th><th>DATE</th></tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	REVISIONS	DATE									8885 Haven Avenue Suite 105 Rancho Cucamonga, CA 91730 Phone: 909.466.9240 www.unitedeng.com	CONCEPTUAL GRADING PLAN GATEWAY HEIGHTS CONDITIONAL USE PERMIT	SHEET 2 OF 2 PROJECT NUMBER
NO.	REVISIONS	DATE												

Attachment: Project Plans (6350 : Gateway Heights Tract 38459)

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 architecture & i
 17752 MITCHELL NOR
 IRVINE, CALIFORNIA 9
 949,752,1177 WA
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NO. DATE
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Henghou Group
 177 E. Colorado BLVD, Ste. 200
 Pasadena, CA 91105

Gateway Heights

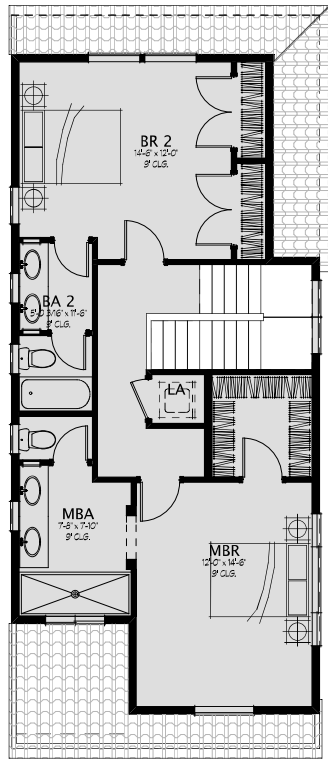
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 PROJECT MANAGER: PLK
 DRAWN BY: S/W
 SHEET ISSUE DATE: 3/22

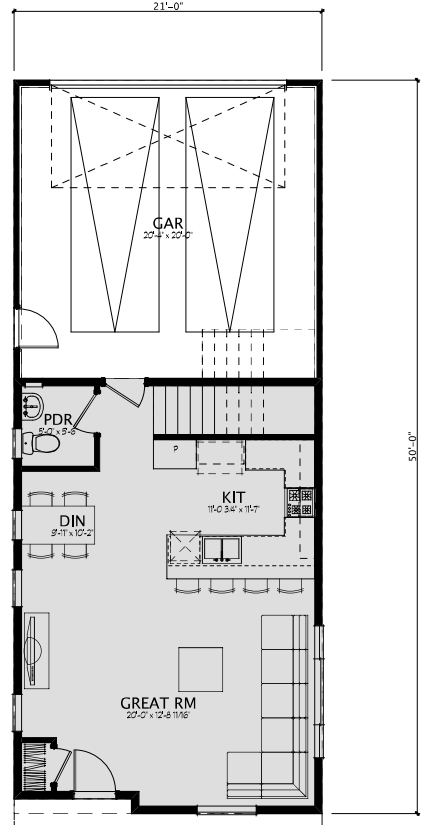
SHEET TITLE

PLAN
 FLOOR PL

SHEET NUMBER
A-1.0



1 PLAN 1A SECOND FLOOR 785 sq ft



1 PLAN 1A FIRST FLOOR 615 sq ft
 2 BEDROOM, 2.5 BATHS TOTAL 1400 sq ft

Tuesday, March 28, 2023, 1:40:44 PM [272] 2/29 - Henghou Group - Gateway Heights Tract 38459 - Project Plans - Plan 1A - 112

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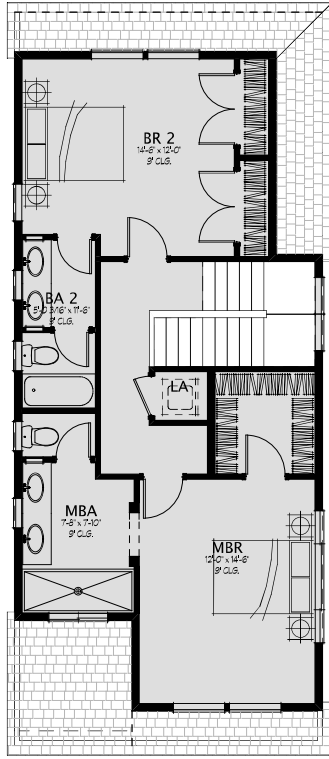
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Henghou Group
 177 E. Colorado BLVD, Ste. 200
 Pasadena, CA 91105
Gateway Heights

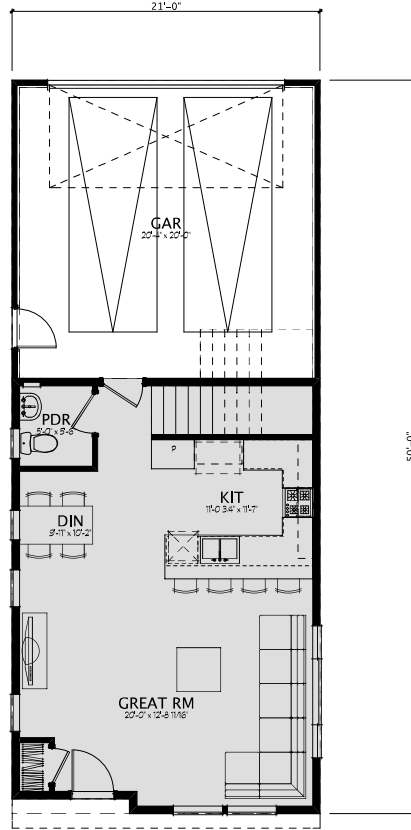
PROJECT INFO
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 PROJECT MANAGER: PLK
 DRAWN BY: S/W
 SHEET ISSUE DATE: 03/22

SHEET TITLE
**PLAN
 FLOOR PL/**
 SHEET NUMBER
A-1.0

Attachment: Project Plans (6350 : Gateway Heights Tract 38459)



1 PLAN 1B SECOND FLOOR 785 sq ft



1 PLAN 1B FIRST FLOOR 615 sq ft
 2 BEDROOM, 2.5 BATHS TOTAL 1400 sq ft

LEGEND:

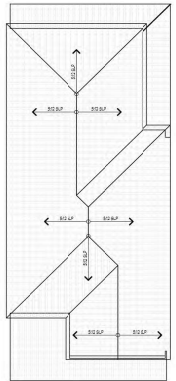
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- 2 STUCCO BODY
- 3 STUCCO FOAM BASE
- 4 STONE VENEER
- 5 STUCCO TRIM CAP
- 6 SHUTTERS
- 7 FASCIA
- 8 STUCCO DOOR & WINDOW TRIM
- 9 STUCCO CORNICE
- 10 BOARD & BATTION TRIM
- 11 DECORATIVE BRACKET
- 12 STUCCO TRIM
- 13 STUCCO TRIM & RAFTER TAILS
- 14 DECORATIVE VENT
- 15 STUCCO FOAM BILL
- 16 GARAGE DOOR
- 17 GARAGE SIDE DOOR
- 18 CORBEL



1 PLAN 1A RIGHT ELEVATION



1 PLAN 1A REAR ELEVATION



1 ROOF PLAN 1 A



1 PLAN 1A LEFT ELEVATION



1 PLAN 1A FRONT ELEVATION

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NO.	DATE

Henghou Group
 177 E. Colorado BLVD, Ste. 200
 Pasadena, CA 91105
Gateway Heights

Attachment: Project Plans (6350 : Gateway Heights Tract 38459)

PROJECT INFO	
PROJECT NUMBER:	2019
PROJECT MANAGER:	MJK
DRAWN BY:	SJW
SHEET ISSUE DATE:	1922

SHEET TITLE
**PLAN
 EXTERIC
 ELEVATION!
 SANTA BAR**

SHEET NUMBE
A-1.0

LEGEND:

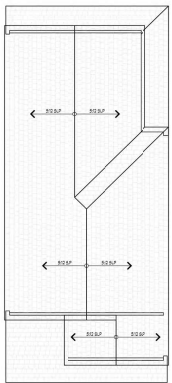
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- 10 BOARD & BATTION TRIM
- 11 DECORATIVE BRACKET
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- 13 RAFTER TAILS
- 14 DECORATIVE VENT
- 15 STUCCO FOAM BILL
- 16 GARAGE DOOR
- 17 GARAGE SIDE DOOR
- 18 CORBEL



1 PLAN 1B RIGHT ELEVATION



1 PLAN 1B REAR ELEVATION



1 ROOF PLAN 1B



1 PLAN 1B LEFT ELEVATION



1 PLAN 1B FRONT ELEVATION

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Henghou Group
177 E. Colorado BLVD, Ste. 200
Pasadena, CA 91105

Gateway Heights

Attachment: Project Plans (6350 : Gateway Heights Tract 38459)

PROJECT INFO

PROJECT NUMBER:	2019
PROJECT MANAGER:	MJK
DRAWN BY:	SJW
SHEET ISSUE DATE:	10/22

SHEET TITLE

PLAN
EXTERIC
ELEVATION
MODERN FARM

SHEET NUMB
A-1.0

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 Pasadena, CA 91105

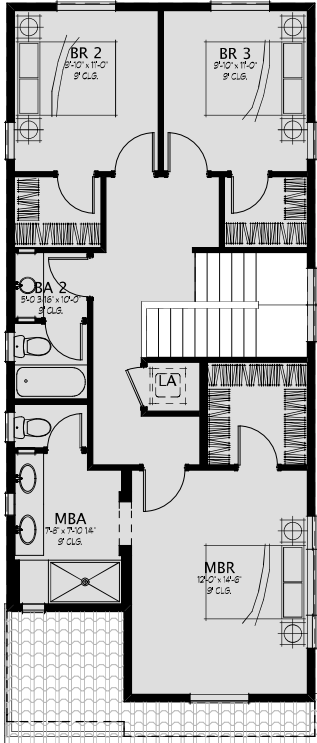
Gateway Heights
 6350 GATEWAY HEIGHTS TRACT

Attachment: Project Plans (6350 : Gateway Heights Tract 38459)

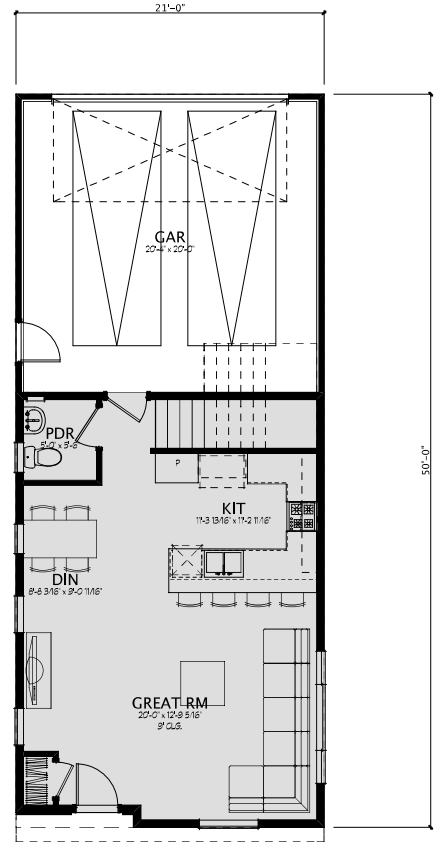
PROJECT INFO
 PROJECT NUMBER: 2019
 PROJECT MANAGER: PLK
 DRAWN BY: S/W
 SHEET ISSUE DATE: 2/22

SHEET TITLE
**PLAN
 FLOOR PLA**

SHEET NUMBER
A-2.



2 PLAN 2A SECOND FLOOR 885 sq ft

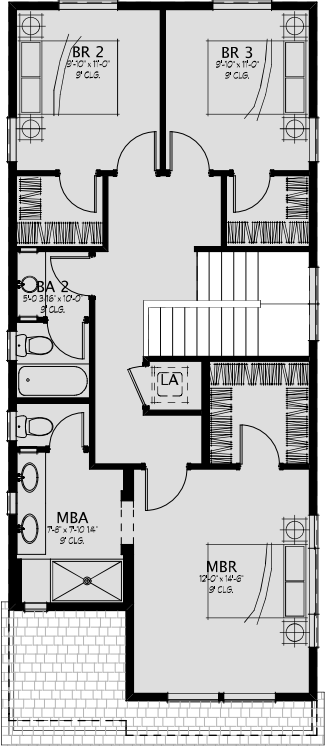


2 PLAN 2A FIRST FLOOR 615 sq ft
 TOTAL 1500 sq ft
 3 BEDROOM, 2.5 BATHS

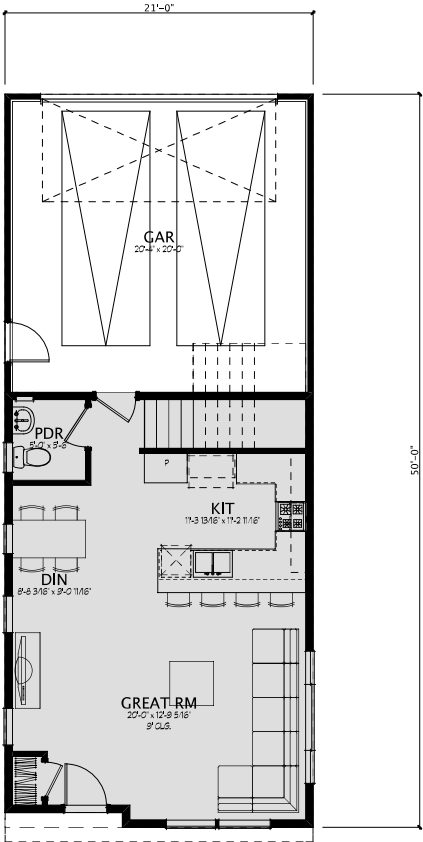
1:16/20/2022 3:18 PM, 4/22/2022 10:29 AM - Henghou Group - Gateway Heights Tract 38459 - Project Plans - Plan 2A-1.dwg

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2 PLAN 2B SECOND FLOOR 885 sq ft



1 PLAN 2B FIRST FLOOR 615 sq ft
 TOTAL 1500 sq ft
 3 BEDROOM, 2.5 BATHS

Henghou Group
 177 E. Colorado BLVD Ste. 200
 Pasadena, CA 91105

Gateway Heights
 PASADENA, CALIFORNIA

Attachment: Project Plans (6350 : Gateway Heights Tract 38459)

PROJECT INFO
 PROJECT NUMBER: 2019
 PROJECT MANAGER: PLK
 DRAWN BY: SJW
 SHEET ISSUE DATE: 2/22

PLAN FLOOR PLA

SHEET NUMBER
A-2.1

Title Block: 2/22/2022, 3:18 PM, 4/22/2022 12:09 - Henghou Group - Gateway Heights Tract 38459 - Project 2019 - Plan 2B (A-2)

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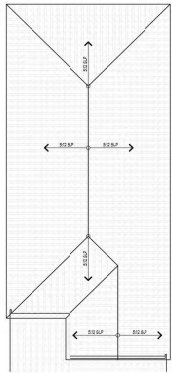
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- 16 GARAGE DOOR
- 17 GARAGE SIDE DOOR
- 18 CORBEL



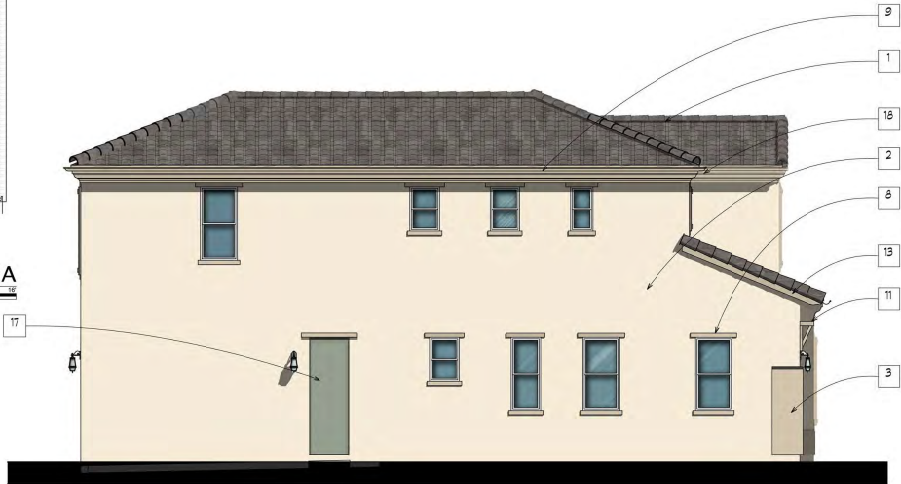
2 PLAN 2A RIGHT ELEVATION



2 PLAN 2A REAR ELEVATION



2 ROOF PLAN 2A



2 PLAN 2A LEFT ELEVATION



2 PLAN 2A FRONT ELEVATION

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177 E. Colorado BLVD Ste. 200
Pasadena, CA 91105

Gateway Heights
ARCHITECTURE

Attachment: Project Plans (6350 : Gateway Heights Tract 38459)

PROJECT INFO	
PROJECT NUMBER:	2019
PROJECT MANAGER:	MLK
DRAWN BY:	SJW
SHEET ISSUE DATE:	12/22

SHEET TITLE

**PLAN
EXTERIC
ELEVATION
SANTA BAR**

SHEET NUMB
A-2.1

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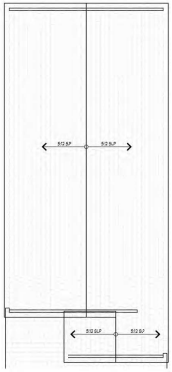
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- 17 GARAGE SIDE DOOR
- 18 CORBEL



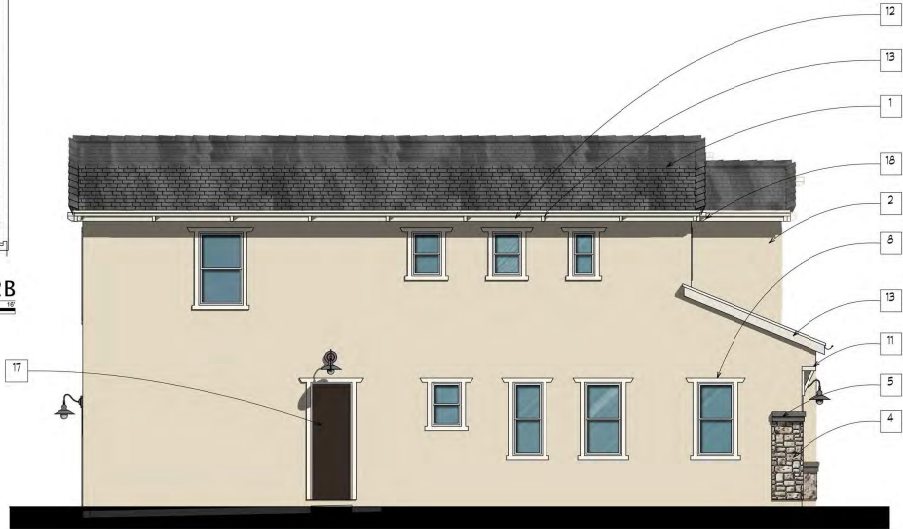
2 PLAN 2B RIGHT ELEVATION



2 PLAN 2B REAR ELEVATION



2 ROOF PLAN 2B



2 PLAN 2B LEFT ELEVATION



2 PLAN 2B FRONT ELEVATION

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Henghou Group
 177 E. Colorado BLVD Ste. 200
 Pasadena, CA 91105

Gateway Heights
 6350 Gateway Heights Tract 38459

PROJECT INFO	
PROJECT NUMBER:	2019
PROJECT MANAGER:	MJK
DRAWN BY:	SJW
SHEET ISSUE DATE:	12/22

SHEET TITLE
**PLAN
 EXTERIC
 ELEVATION
 MODERN FARM**

SHEET NUMBER
A-2.4

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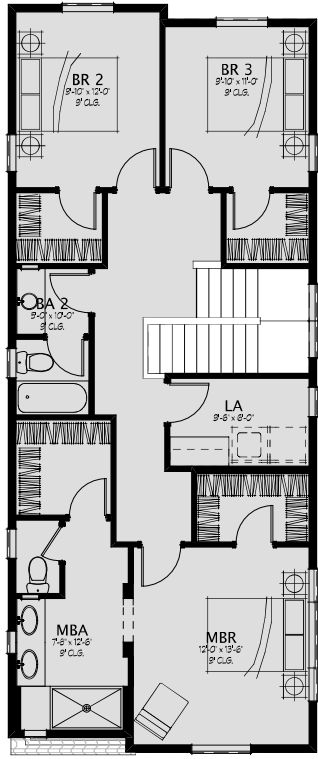
Hengzhou Group
 177 E. Colorado BLVD, Ste. 200
 Pasadena, CA 91105
Gateway Heights

PROJECT INFO
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 DRAWN BY: S.J.W.
 SHEET ISSUE DATE: 02/22

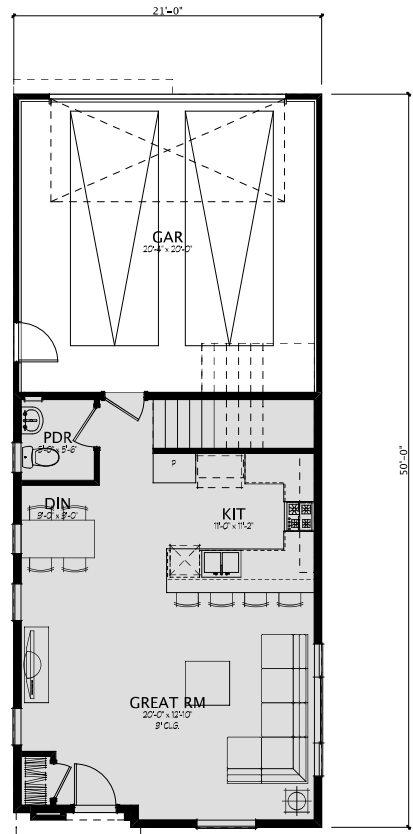
SHEET TITLE
**PLAN
 FLOOR PL**

SHEET NUMBER
A-3.0

Attachment: Project Plans (6350 : Gateway Heights Tract 38459)



③ **PLAN 3A SECOND FLOOR 987 sq ft**



③ **PLAN 3A FIRST FLOOR 615 sq ft
 TOTAL 1602 sq ft
 3 BEDROOM, 2.5 BATHS**

Tuesday, March 22, 2022, 3:14 PM, 10/27/2019 - Hengzhou Group - Gateway Heights - 6350 : Gateway Heights Tract 38459 - Project Plans - Plan 3A - 101

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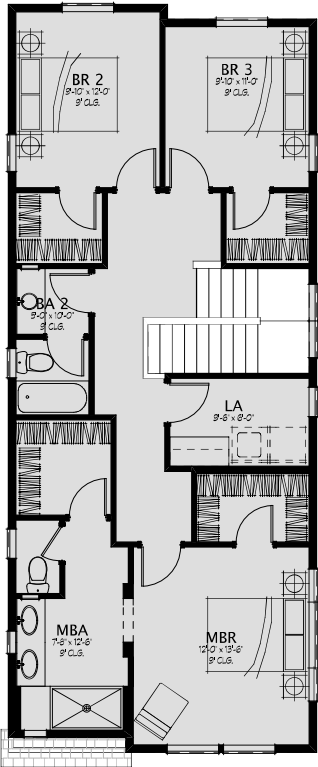
Hengzhou Group
 177 E. Colorado BLVD, Ste. 200
 Pasadena, CA 91105
Gateway Heights

PROJECT INFO
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 DRAWN BY: S.W.
 SHEET ISSUE DATE: 02/22

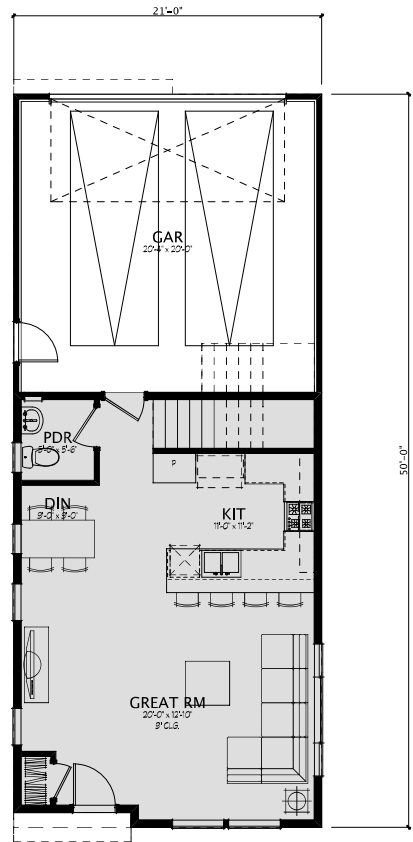
SHEET TITLE
**PLAN
 FLOOR PL/**

SHEET NUMBER
A-3.0

Attachment: Project Plans (6350 : Gateway Heights Tract 38459)



3 PLAN 3B SECOND FLOOR 987 sq ft



3 FIRST FLOOR 615 sq ft
 PLAN 3B TOTAL 1602 sq ft
 3 BEDROOM, 2.5 BATHS

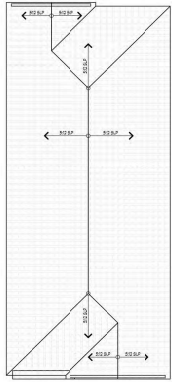
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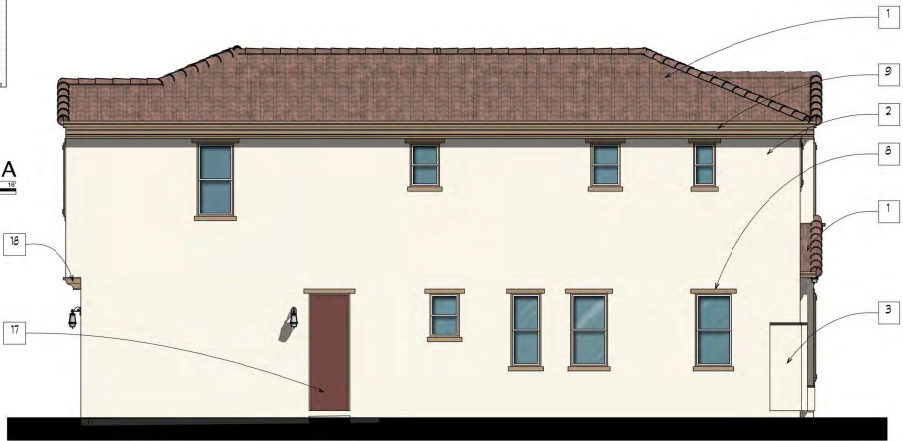
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- 14 DECORATIVE VENT
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- 16 GARAGE DOOR
- 17 GARAGE SIDE DOOR
- 18 CORBEL



3 PLAN 3A RIGHT ELEVATION



3 ROOF PLAN 3A



4 PLAN 3A LEFT ELEVATION



3 PLAN 3A REAR ELEVATION



3 PLAN 3A FRONT ELEVATION

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177 E. Colorado BLVD, Ste. 200
Pasadena, CA 91105
Gateway Heights

Attachment: Project Plans (6350 : Gateway Heights Tract 38459)

PROJECT INFO

PROJECT NUMBER: 2019

PROJECT MANAGER: MKK

DRAWN BY: SJW

SHEET ISSUE DATE: 12/22

SHEET TITLE

**PLAN
EXTERIC
ELEVATION
SANTA BAR**

SHEET NUMBER

A-3.0

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Henghou Group
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Pasadena, CA 91105
Gateway Heights

PROJECT NO. 21019
PROJECT MANAGER: MJK
DRAWN BY: SJM
SHEET ISSUE DATE: 3/22/22

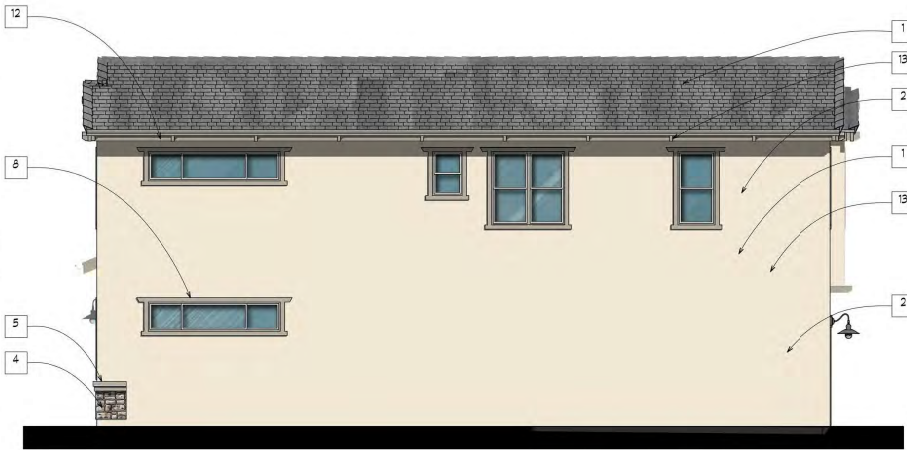
PLAN
EXTERIOR
ELEVATION
MODERN FAR

SHEET NUMBER
A-3.1

Attachment: Project Plans (6350 : Gateway Heights Tract 38459)

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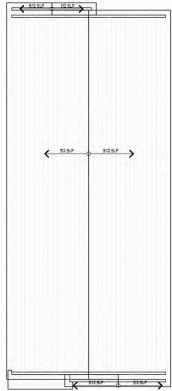
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- 17 GARAGE SIDE DOOR
- 18 CORBEL



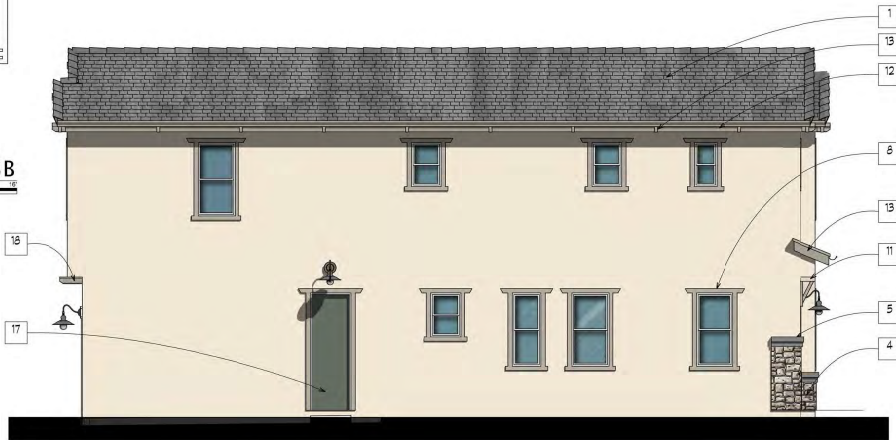
3 PLAN 3B RIGHT ELEVATION



3 PLAN 3B REAR ELEVATION



3 ROOF PLAN 3B



3 PLAN 3B LEFT ELEVATION



3 PLAN 3B FRONT ELEVATION



OPEN SPACE/PARK PLAN

GATEWAY HEIGHTS

MORENO VALLEY, CALIFORNIA

NOT TO SCALE

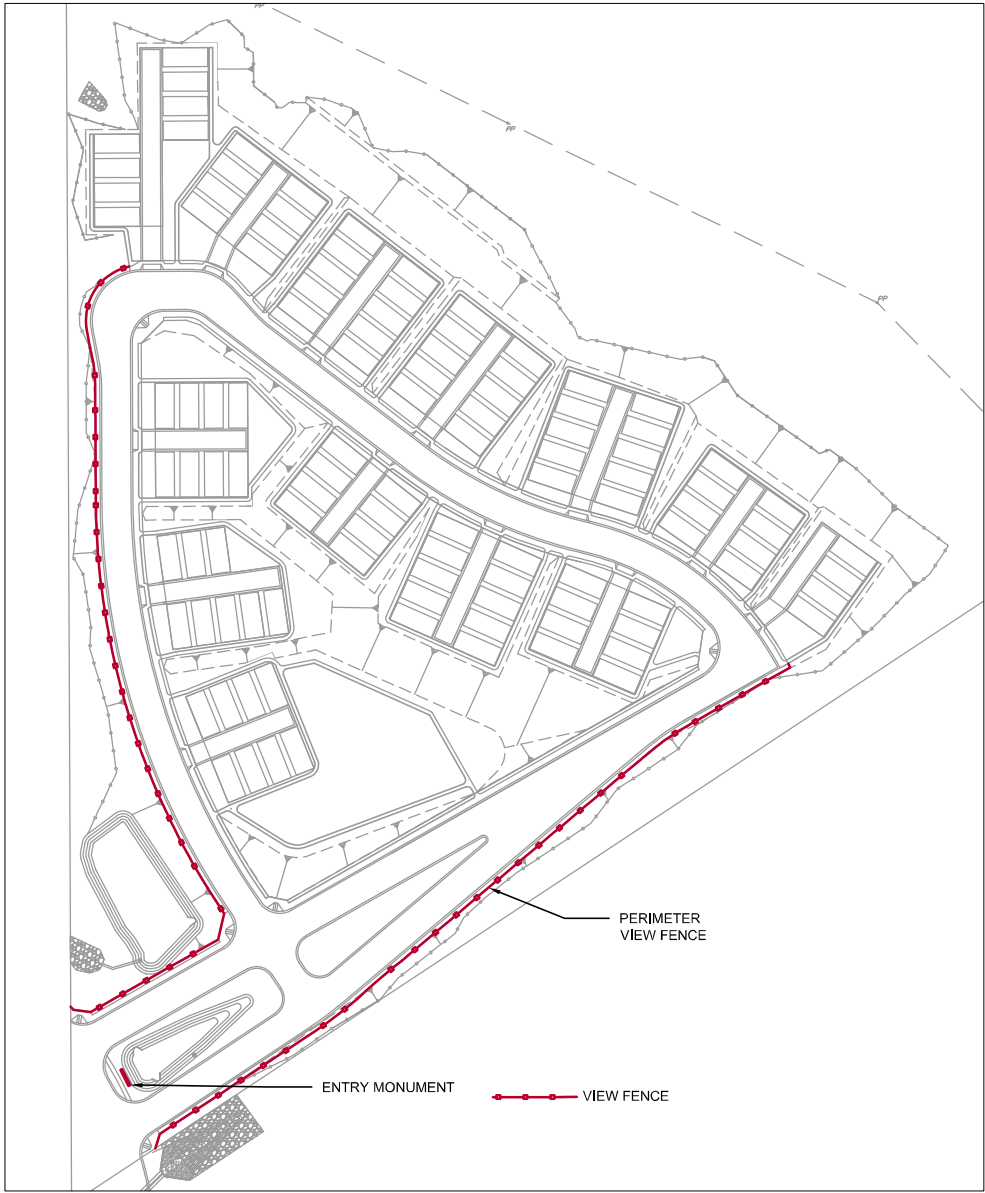


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engineering
group

Packet Pg. 344

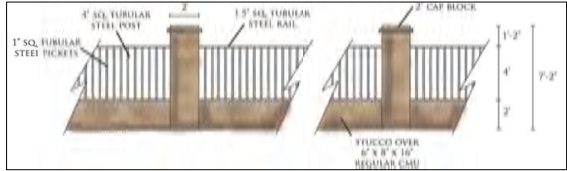
EXHIBIT J

Attachment: Project Plans (6350 : Gateway Heights Tract 38459)



CONCEPTUAL WALL / FENCE PLAN
GATEWAY HEIGHTS

MORENO VALLEY, CALIFORNIA



VIEW FENCE DETAIL



ENTRY FEATURE DETAIL

NOT TO SCALE



EXHIBIT M

Attachment: Project Plans (6350 : Gateway Heights Tract 38459)

Aerial Map



Legend

- Master Plan of Trails**
- Bridge
 - Improved
 - Multiuse
 - Proposed
 - Regional
 - State
- Road Labels**
- Parcels
 - City Boundary
 - Sphere of Influence

Image Source: Nearmap

Notes:

1,261.9 0 630.96 1,261.9 Feet

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: Aerial Map (6350 : Gateway Heights Tract 38459)



March 9, 2023

Luis Lopez, Contract Planner
 City of Moreno Valley
 14177 Frederick Street
 PO Box 88005
 Moreno Valley, CA 92552

Subject: EMWD Comments for the Gateway Heights Project Notice of Intent to Adopt a Mitigated Negative Declaration

Location: East side of Morton Road, approximately 300 feet north of Jennings Court in the City of Moreno Valley, Riverside County, California.

Dear Mr. Luis Lopez:

Eastern Municipal Water District (EMWD) thanks you for the opportunity to comment on the Notice of Intention to Adopt a Mitigated Negative Declaration for the Gateway Heights Project (project). The project proposes the construction of 108 detached townhouse condominium units, organized in 4-unit to 10-unit “clusters” on a total of 13 development pads. The project would be located on southwesterly 16.59 acres of the 32.56-acre project site. The 16.59 acres of the project site would be rezoned to Residential 10 District (R10) which allows maximum density of 10 dwelling units per net acre. The project would include a total of 3.1 acres of common open space, including trails and a 0.89-acre community park area at the center of the development. The remaining 15.97 acres of the project site would be rezoned to Open Space (OS) and dedicated as conservation land.

EMWD offers the following comments:

To define the impact(s) on the environment and on existing EMWD facilities, and as development within this area occurs over time, the proponents of implementing development projects shall consult EMWD’s Development Services Department to compare proposed and existing water demands and sewer flows, and prepare a Design Conditions report (DC), formally known as the Plan of Service (POS), to detail all

Board of Directors

Philip E. Paule, *President* Stephen J. Corona, *Vice President* Jeff Armstrong Randy A. Record David J. Slawson

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300

T 951.928.3777 • F 951.928.6177 www.emwd.org

Attachment: Public Comments Presented to Planning Commission on June 8, 2023 (6350 : Gateway Heights Tract 38459)

EMWD Comments

March 9, 2023

Page 2

pertinent facilities necessary to serve such implementing development projects, resulting in an approved DC, prior to final design and plan check of such facilities.

To help define EMWD's Design Conditions, EMWD requires beginning dialogue with project proponents at an early stage in the site design and development, via a one-hour complementary Due Diligence meeting. To set up this meeting the project proponent should complete a Project Questionnaire (form NBD-058) and submit to EMWD. To download this form or for additional information, please visit our web page www.emwd.org, then select the "Developer" link, then select the "New Development Process Forms" link. This meeting will offer the following benefits:

1. Describe EMWD's development process.
2. Identify project scope and parameters.
3. Provide a preliminary review of the project within the context of existing infrastructure.
4. Discuss potential candidacy for recycled water service.
5. Identify project submittal requirements to start the Design Conditions review.

Following the Due Diligence meeting, and to proceed with a project, the Design Conditions will need to be developed by the developer's engineer and reviewed/approved by EMWD prior to submitting improvement plans for Plan Check. The DC process and approval will provide the following:

1. Technical evaluation of the project's demands and existing system capacities.
2. Identification of impacts to existing facilities.
3. Identification of additional on-site and off-site facilities, necessary to serve the project.
4. Identification of easement requirements, if necessary.
5. Identification of potential EMWD's cost participation in facility oversizing, if applicable.

If you have questions or concerns, please do not hesitate to contact Maroun El-Hage at (951) 928-3777, extension 4468 or by e-mail at El-hagem@emwd.org.

Sincerely,

Alfred Javier
Director of Environmental and Regulatory Compliance

ARJ: hs

Attachments: Copy of Public Notice

From: Mauricio Alvarez <malvarez@riversidetransit.com>
Sent: Tuesday, March 21, 2023 3:03 PM
To: Luis Lopez <luisl@moval.org>
Subject: PEN20-0095, PEN20-0096, TTM 38459

Warning: External Email – Watch for Email Red Flags!

Hello Luis,

Thank you for including Riverside Transit Agency in the development review of the proposed 108 unit residential project on Morton Rd & Jennings Ct. After reviewing the plans, there are no comments to submit for this particular project at this time.

Thank you,

Mauricio Alvarez, MBA

Planning Analyst
Riverside Transit Agency
p: 951.565.5260 | e: malvarez@riversidetransit.com
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)
1825 Third Street, Riverside, CA 92507

Dear Mr. Jason Ackerman, attorney/representative for Gateway Heights
Moreno Valley 92557, Asaon.ackerman@ackermanlawpc.com

Cc: Mr. Ulises Cabrera Mayor pro temp, mayor@moval.org,

Mr. Luis Lopez, Contract Planner City of Moreno Valley, luisl@moval.org

Mr. Sean P. Kelleher, Planning Division Manager 95 planningemail@moval.org

Mr. Edward A Delgado, District # representative, edd@moval.org

RE: Project Development- Morton Road- Moreno Valley, California

I would like to request a copy of your traffic analysis report(s) regarding Gateway Heights, Moreno Valley, California. In addition, any other pertinent information related to the Gateway Heights project in Moreno Valley.

Furthermore, to be transparent I would like a detailed project announcement to be mailed out to all the residents affected by your proposed development. Our neighbors were taken by surprise. Your informational meeting announcement for the Zoom meeting was not publicly broadcast in our area. The timeframe was such short notice. There were many neighbors who never received this informational presentation meeting announcement nor received any notices from the city of Moreno Valley. Moreover, not everyone has the knowledge to use Zoom media for online meetings.

We already have a bottleneck of congested traffic problems on Box Springs Road at the entrance to the 60 freeway. The City of Moreno Valley has not addressed these issues as well as the narrow lanes going up north or down south on Morton Road.

There are already safety hazards due to illegally parked cars on Morton Road & Box Springs Road. This is because the parking space inside the Tuscany Apartment is limited. How will this affect Seneca Elementary school? Especially in full peak sessions during pick up and dropping off their kids. Was this factor taken into consideration in your traffic report analysis?

At the meeting, you mentioned the zoning change from (R2, R5) to R10. I believe this will dramatically have a negative economic impact on our property value. How was the rezoning determined? Was that a unilateral decision without the resident's knowledge or objection? We were not notified in a timely manner. In fact, I just barely knew about this zoom meeting from a neighbor. Our neighbors are concerned regarding this high density 108 townhouses development. Furthermore, it is NOT congruent to our custom, semi-custom homes in our area ½ acres+. We already have enough problems with homelessness and thefts in our area.

What about the overflow of cars who are unable to park at this new proposed 108 Townhouse units? How will that be addressed? Are they going to park on our streets and move it out on street sweep days?

I mentioned in our Zoom discussion, I have lived here more than 27 plus years. I have not seen any metering devices for traffic activities at Box Springs Road and Morton Road nor at the traffic entrance leading to the entrance of the 60 Freeway. Furthermore, no metering devices at the other 60 freeway entrance/exit on Day Street. All of these are very important concerns. We mentioned, if there was a fire evacuation or emergencies to those of us that live here. Are there contingency plans in place? Was this taken into consideration in your report analysis?

Please provide us with this information that will be helpful and beneficial to all of us who live here in District # 2. I want everyone to know who will be affected by your Rezoning proposal and the traffic congestions that it will cause. I am hoping we can find a happy solution so that everyone will agree.

I am copying the Moreno Valley City Planner and the mayor's office on this email hoping for fair and balanced data that can address our concerns.

I am attaching our public objection to all that will be affected by this General Plan Amendment- Change of Zoning and the Morton Project Development. Signature is to follow. I look forward to hearing from every one of you and from the city planner very soon.

Sincerely, Andy Gildore, US Marine, Veteran, Business Owner

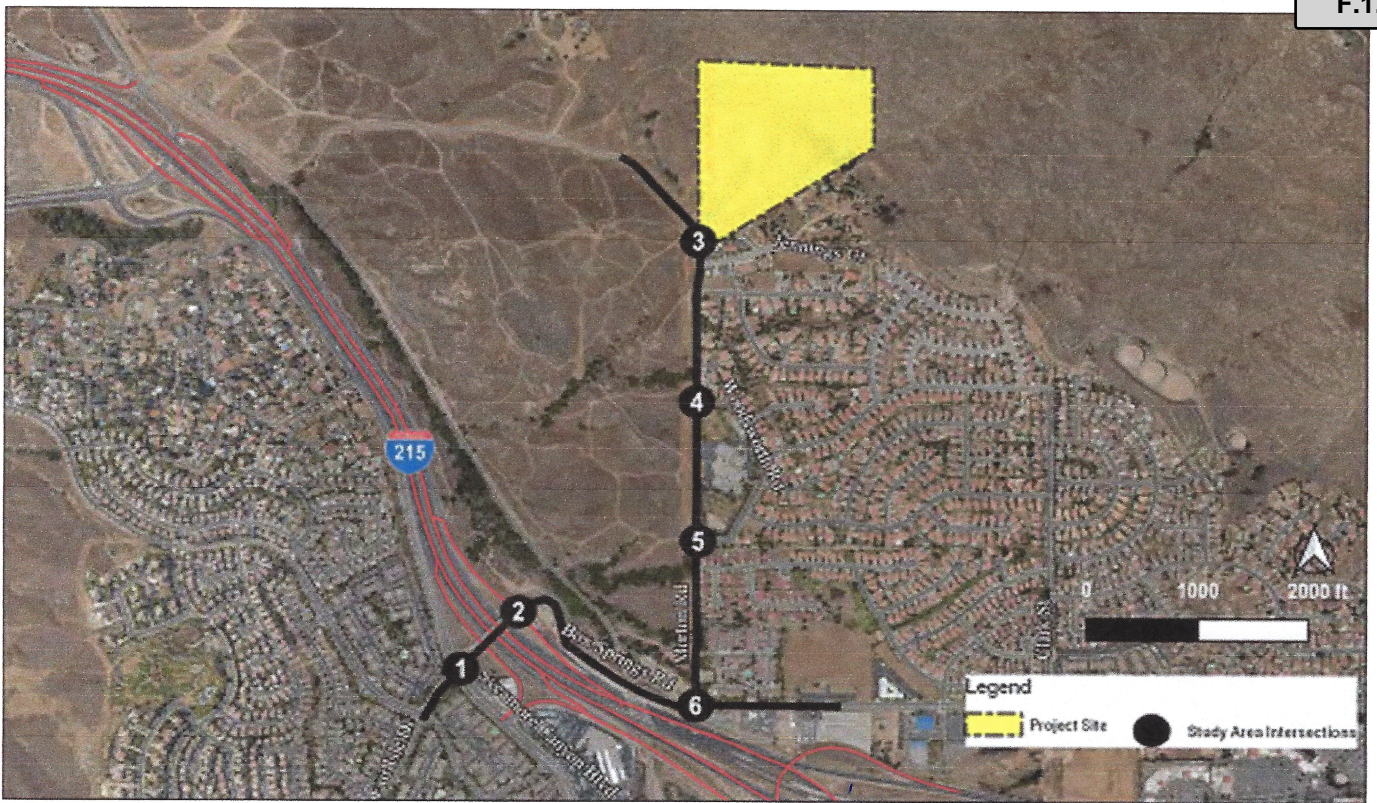
Notice of Public Objection to General Plan Amendment (PEN20-0095), Change of Zone (PEN20-0096), Conditional Use Permit for a Planned Unit Development (PEN21-0066), and Tentative Tract Map No. 38459 (PEN22-0127)

The HengHou Group, owned by Shizao Zheng, has made application to the City of Moreno Valley to construct a 108 unit development of townhouses in the most Northwestern corner of the City, North of Jennings Court, and East of Morton Road, within District Two of Moreno Valley.

The City has invited Public Comment, which is due March 31, 2023. For the following reasons, the undersigned residents of the Second District of Moreno Valley object to this proposal.

- 1) The Proposal requires and establishes a precedent for Radical Changes in Residential Density The Plan Amendment (PEN20-0095) inflicts upon our neighborhood a radical change of zone from **R2-R5 Residential** to **R10 Residential**, which is detrimental to the safe and quiet nature of our community, as well as our suburban property values. We have purchased and, at some cost, improved our single family homes in an R2-R5 zone. This significant shift to R10 zoning, with no regard to the needs of the already established community, constitutes a social and economic burden. Our community already experiences adverse effects of housing density: the apartment complex at Morton and Box Springs has brought scofflaws who dangerously park along Morton, blocking half the outgoing lane.
- 2) Traffic Congestion

The Traffic Study completed for this project is a document buried in an online file of 1197 pages. See Figures 13 and 14 on pages 996 and 998 respectively. These figures contrast current traffic volume (without the project) with anticipated traffic volume (with the project). For example, at the corner of Morton and Box Springs, during morning rush hour, there are currently 83 cars turning right onto Box Springs, headed toward the freeway. With this project, there will be 125 cars turning right. In the evening rush hour, turning left onto Morton from Box Springs, we currently see 88 cars. With this project, we are going to see 135. To summarize, we will face about 50% more traffic at Morton and Box Springs.



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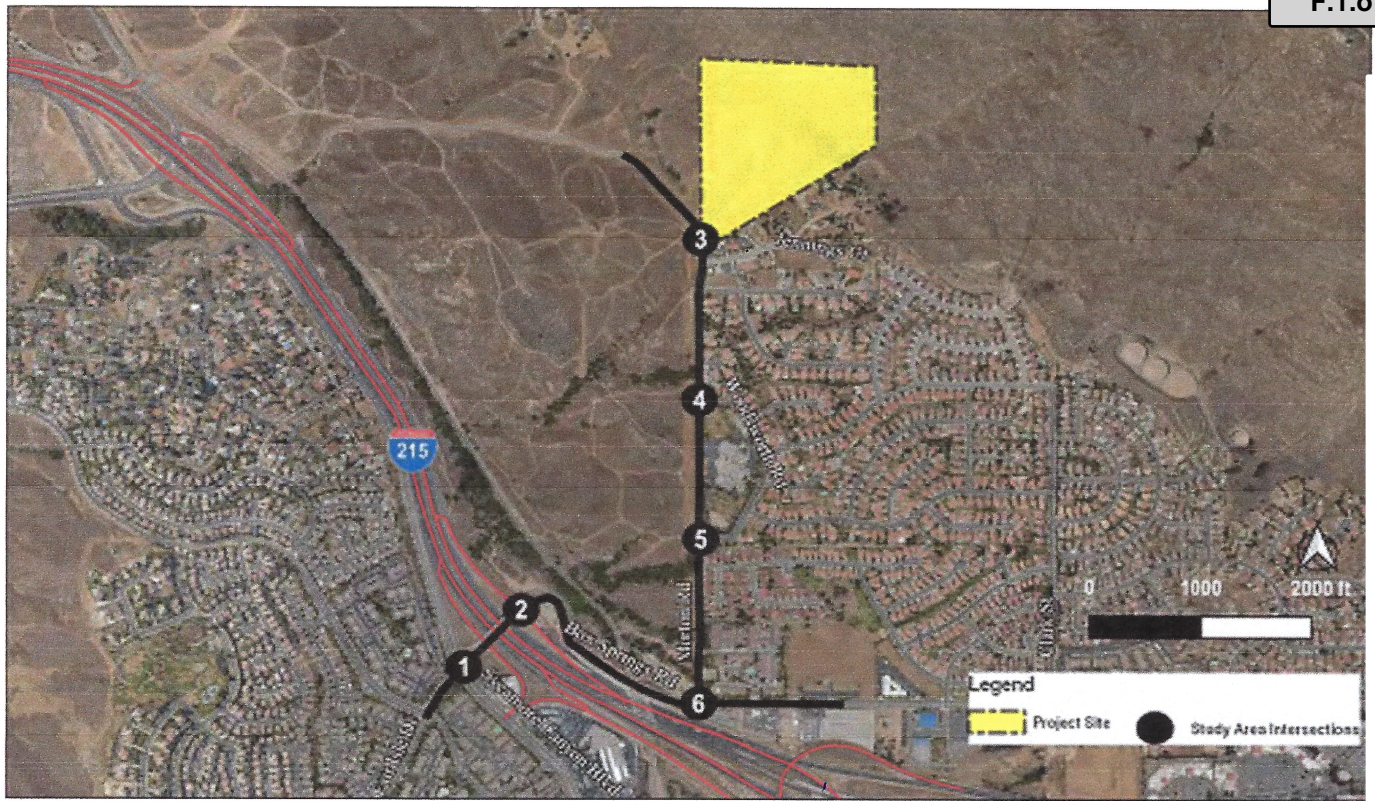
FIGURE 14

XXX / YYY AM / PM Peak Hour Traffic Volumes

Gateway Highlands Residential Project Completion With Project Peak Hour Traffic Volumes



Attachment: Public Comments Presented to Planning Commission on June 8, 2023 (6350 : Gateway Heights Tract 38459)



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FIGURE 1

XXX / YYY AM / PM Peak Hour Traffic Volumes

Gateway Highlands Residenti
Project Completion Without Project Peak Hour Traffic Volume



Attachment: Public Comments Presented to Planning Commission on June 8, 2023 (6350 : Gateway Heights Tract 38459)

From: [Steve Anderson](#)
Sent: Tuesday, March 28, 2023 5:20 PM
To: [Luis Lopez](#)
Subject: General Plan Amendment (PEN20-0095)

Warning: External Email – Watch for Email Red Flags!

Hello –

In response to the City of Moreno Valley’s request for public comments regarding the proposed development at the top of Morton Road...

While I am not outright opposed to this development, I do have SEVERAL concerns.

- From the side of Penunuri Place on which we reside, up into the foothills, and around Morton Road into unincorporated Riverside – all homes are detached single family, custom built, on 1/2 acre or larger lots. So, the development of high density multi-family housing on MUCH smaller individual parcels seems a bit out of place.
- The neighborhood is also considered a “brush zone” by insurance companies, and homeowners insurance carriers are few and far between. Potential buyers of any such home should be made aware of such limitations. I don’t want to THINK how expensive homeowners insurance will be for residents of this proposed multi-family housing development – what with it being RIGHT at the bottom of a mountain that has not burned in more than forty years. That alone could be cost prohibitive for many.
- I do not see anywhere in the vast volume of public documents plans to make any improvements to Morton Road. Sadly, the City of Moreno Valley largely ignores those living in the FAR corner of the city, often treating us as an “ugly redheaded stepchild” worthy of very little service or support. As a result, Morton Road is in VERY poor condition. Adding 1,000 vehicle trips per day, a near FIVE FOLD INCREASE over current traffic volume, is only going to worsen its condition. The City might just as well remove the asphalt and make Morton Road a dirt road. It surely couldn’t be much worse.
- A large percentage of residents living farther down Morton Road, off of Wordsworth and Pala Foxia, appear to have NO IDEA our neighborhood exists. This is evidenced by the number of vehicles which FLY right off of these feeder streets onto Morton Road without so much as slowing down – let alone stopping. In the nine years we have called Penunuri Place our home – just my family alone has had HUNDREDS of near misses with vehicles FLYING off of said feeder roads. Approval of this project with no additional traffic controls, such as a stop sign at the

lower outlet of Wordsworth, is a recipe for disaster – and WILL eventually lead to somebody being killed.

- Closely aligned to the previous concern, in the event of a mandatory mass evacuation due to fire or other disaster, I am GRAVELY concerned about the capacity of Morton Road and those to which it connects. Weekday morning traffic on Box Springs Road ROUTINELY backs up to very near Clark Street due to inadequate traffic planning by the City of Moreno Valley, the County of Riverside, and the State of California. It routinely takes me EIGHTEEN MINUTES just to reach the freeway from my home. So, I am ALREADY concerned about road capacity – and now the City is proposing to add EVEN MORE vehicle traffic. In the event of said mass evacuation – people will almost certainly die as a result.
- Some of the above concern is, of course, due to the VERY unwise decision several years ago by the County of Riverside, State of California, and whichever railroad owns the nearby tracks to close the Gernert / Poarch crossing in unincorporated Riverside we residents USED to use regularly by continuing on Morton Road up into the foothills. That cut off a MAJOR point of evacuation. I know this decision had little/nothing to do with the City of Moreno Valley – but NOW it's beginning to come back and bite those who were responsible as the City and County both explore developments in this general vicinity.
- Closely aligned to the three previous bullet points is the City of Moreno Valley's shortsighted, punt heavy decision several years ago to make its side of Morton Road alongside the Tuscan Hills Apartments a No Parking Zone. This pushed the dozens of vehicles which daily parked on the City's side of Morton Road onto the unincorporated side of Morton Road. This, of course, eliminated the City's responsibility for traffic and/or crime enforcement related to the presence of said vehicles parked on ITS side of the road. An unfortunate byproduct of this, though, is that residents of said apartments ROUTINELY park WAY up Morton Road, beyond where it reduces to a single lane in each direction – utterly obstructing/blocking the flow of traffic in the process. Now the City wants to add EVEN MORE vehicles having to navigate a daily obstacle course – all because it was too lazy to deal with the parking related issues on its side of Morton Road? As you might have guessed, the City's decision on this matter is a VERY sore spot for me.
- I am also VERY concerned about what is already the utter lack of law enforcement in our neighborhood. Filed under the same "ugly redheaded stepchild" category – there is open drug dealing and prostitution currently taking place nightly at the cul-de-sac end of Jennings Court. Despite sharing my concerns with Moreno Valley Police multiple times – they wholesale refuse to acknowledge its existence,

let alone investigate or do something to make it stop. We're already on "ignore" up here, and adding 108 multi-family housing units nearby would appear only to further exasperate such problems – although it DOES give even more residents for the City to wholesale ignore, while happily collecting their taxpayer dollars.

This is at least a start to my concerns. I may have a few more to share prior to the deadline now that I've cleared the above from my mind.

iGg,

A handwritten signature in black ink that reads "Steve". The letters are cursive and fluid.

Steve Anderson
21150 Penunuri Place
Moreno Valley, CA 92557
951.217.1885
starzajo@att.net

From: Sandra Walsh <jaswalsh@hotmail.com>
Sent: Friday, March 31, 2023 10:36 PM
To: Planning Email_DG <planningemail@moval.org>
Cc: mortonroaddevelopmentmv@gmail.com
Subject: Public Objection

Warning: External Email – Watch for Email Red Flags!

THIS WILL SERVE AS NOTICE IN SUPPORT OF PUBLIC OBJECTION TO GENERAL PLAN AMENDMENT (PEN20-0095), CHANGE OF ZONE (PEN20-0096), CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT (PEN21-00660, AND TENTATIVE TRACT MAP NO. 38459 (PEN22-0127). COPY OF PUBLIC OBJECTION ATTACHED.

FIRST AND FOREMOST, neither the Henghou Group nor Shizao Zheng has served proper notice as required of the application or their intent. The application should be denied on the basis alone -- that notice was not formally given to all residents and property owners within the required notification radius.

SECOND, the Box Springs/Ironwood road infrastructure is not designed for the traffic that already impedes our community from freely coming and going from our neighborhood. Moreover, our neighborhood is not regularly policed. Motorhomes, trailers and vehicles are illegally parked on Morton; drivers race down the streets with no regard for the posted speed limit or the pedestrians, children or adults, let alone stop at the posted Stop signs.

THIRD, where will the additional children attend school? Not at our neighborhood elementary school which is already overcrowded Not at our local school because already there is not enough parking for the employees that work at that school and as such, we have illegally parked educators and guardians throughout the school day and during every school event.

Our community would be better served turning the mountainous area into a nature park that supports the wildlife that currently inhabits the area and that includes, but is not limited to donkeys, bobcats, coyotes, racoons, hawks, owls, bats, etc. Improvements such as walking, biking and horse trails would discourage vagrant and "homeless" migration, while increasing the value of our neighborhood.

This community has a voice and we do not want more rentals, more crime, more congestion!

Sandra Walsh
 Larry Walsh
 21121 Tennyson Road
 Moreno Valley, CA 92557
 (951) 683-4060

Attachment: Public Comments Presented to Planning Commission on June 8, 2023 (6350 : Gateway Heights Tract 38459)

Dr. Doug Michie
 1056 E Meta St Ste 103
 Ventura, CA 93001-0001

from email: dougmicchie@gmail.com

4/23/2023

Chairman DeJohnette
 And Planning Commissioners
 Planning Commission
 City of Moreno Valley
 14177 Fredrick Street
 Moreno Valley, CA 92553

via email to: luisl@moval.org
seanke@moval.org.

Re: Project: Gateway Heights
 Hearing Date: 5/11/2023

Dear Planning Commissioners,

This letter follows a recent community outreach presentation by the developer of the Gateway Heights project. I own a lot on Penunuri Avenue neighboring this proposed project. I am writing to voice my support for the project as it will be a good addition to the neighborhood.

This area of Moreno Valley needs more multi-family housing. The cost to maintain infrastructure for traditional large lot single family homes is unsustainable, and it is to the City's interest to provide more density, so costs can be spread over a larger tax base in a more limited geographical area.

More importantly, the need for housing in California is so great that multi-family projects such as this one are needed to fulfill that unmet housing demand. Additionally, it is a good fit for the adjoining Gateway Specific Plan area. And finally, the dedication of 17 acres of open space will be a real asset to the open space and recreational needs of the city.

Again, I support this project and I hope that it can be approved with conditions that are financially reachable for the applicant.

Sincerely,

Douglas C. Michie

Doug Michie
 PhD Urban Planning

June 1, 2023

City of Moreno Valley Community Development
 14177 Frederick Street Moreno Valley, California 92553
 Attn: Catherine Lin , Principal Planner (951) 413-3229
 email : catherinel@moval.org

Project Title: Gateway Heights Project
 Project Case Number(s): PEN 21-0066

To: Catherine Lin

We never received any notification from the City of Moreno Valley Community Development Department in the mail regarding the proposed Gateway Heights Project and have been unaware of the project until the placement of a sign on the property last Friday May 25, 2023. This project has a direct impact on the existing residents and we were unaware of the recent public comment period and where denied the opportunity to hear, and or provide comments relating to the proposed project. We have lived here for 40 years and are directly impacted from the project and needed to be included in the process.

After reviewing the proposed Gateway Heights Project, Project Case No.PEN 21-0066 and Change of Zoning we would like to state that we are in strong opposition to these changes given the potential aesthetic, visual, air quality, wildlife, and land use compatibility impacts on the existing residents and the West Box Springs Homeowners Association which was part of the planning process with The County of Riverside and the Gateway Center Project approved by the County of Riverside.

The introduction of a multifamily residential housing product type at the urbanized edge of the City's residential neighborhoods that currently abuts a hillside / open space area, represents an incompatibility issue. This project proposes a multifamily residential project adjacent to the rural / open space edge and away from the city core or area of intensity does not provide an appropriate transition to the area.

As stated the entire project as presented is not a comprehensive land use compatible to the area and is in conflict with the low densities reflected by the University Community Plan and the existing sparse rural residents and because it lies within the City of Riverside's sphere of influence, it should also conform to Riverside's Proposition R and Measure C land use ordinances.

Additionally by changing the land use zoning from Residential 2 (R2) and Hillside Residential (HR) 10. and significantly increasing the residential densities it will diminish the home values of the existing residents on the adjacent parcels within the original Gateway Center Specific Plan located in the County of Riverside on the west side of Morton and to the north. The Gateway Center Specific Plan (GCSP) which has only 2 high density areas located directly near the far outer edges closer to the SR-60 Freeway/ Railroad rights-of-way of the 317 acre development close to the freeway which was to

reduce the traffic through the rural/open areas to help preserve the aesthetic, visual, air quality, wildlife and rural area.

“All residential lots along the northerly and easterly perimeters of Planning Area Nos. 16 and 17 shall contain a minimum of 8,000 square feet not including land beyond the limits of grading area. Any residence constructed on these lots shall contain a minimum of 2,600 square feet of living area.” (Amended by Staff at P.C. on 10/23/91) GCSP

Traffic congestion and contaminant air pollution will be dramatically impacted by the increase of dwelling units from the current single unit home zoning at 5 per acre to multi unit apartment/condominium of 108 units. New commuter traffic will add over a thousand daily vehicle trips to an already overburdened surface street and freeway transportation system. Increase traffic adjacent to Seneca Elementary School and generating more population and noise. There is only one road Morton for access to our properties due to the closure at Gernert and Watkins for the Metro Line and increased traffic would present a safety issue during any emergency.

The entire Project site is identified as occurring in a hazardous fire area which should require further enhancement of fire hydrants located on Morton Road and at the entrance to aid the Riverside County Fire Protection Master Plan in order to achieve an a better urban level of service. Mitigation measures need to be implemented to provide for better public safety.

The proposed Gateway Center Project has the potential to deplete groundwater supplies by interfering substantially with groundwater recharge by “the change in pervious surfaces to impervious surfaces that would occur with development of the site will reduce the amount of water reaching underground aquifers.” Thus lowering the local groundwater table level and affecting the existing residents and the production rate of their pre-existing nearby wells.

Gateway Center Specific Plan No. 250 approved and adopted July 14, 1992 contained conditions of approval to help mitigate some of these impacts and other concerns of the residents directly impacted by development.

We are in strong opposition to the proposed changes for the Gateway Heights Project, Project Case No.PEN 21-0066 and any change of zoning. The project should have single family housing to alien with the planning area 16 and 17 on the Gateway Center Plan.

Thank you for the opportunity to comment on this matter. If you have any questions please contact me.

Sincerely,

Robin and Alan Ablott
10870 Pettegrew Road
Riverside, CA 92507
(951) 788-6764

The areas in dark orange/red are The Gateway Center higher density housing and the Gateway Heights project of a proposed townhouse condominium development is inconsistent with the planning areas 16 & 17 of the Gateway Center plans and the rural area.



Attachment: Public Comments Presented to Planning Commission on June 8, 2023 (6350 : Gateway Heights Tract 38459)

Sean P. Kelleher

From: ftcinc123@outlook.com <luis@finaltouchconstruction.net>
Sent: Saturday, July 29, 2023 9:37 AM
To: Sandra Walsh; Andy Gildore
Cc: Sean P. Kelleher; mortonroaddevelopmentmv@gmail.com; jason.ackerman@ackermanlawpc.com; Moreno Valley Mayor; luisl@moval.org; Planning Email_DG; Edward A. Delgado; Mike Lee; Michael Lloyd, P.E.; Brian Mohan; Melissa Walker, P.E.; Sean P. Kelleher; Jane Halstead; mmichaell@moval.org; Don Avery; Planning Notices_DG; Roberta Hawkins; joeangelocarter@aol.com; stanzahrt@sbcglobal.net; penoon@icloud.com; dantyrrel@sbcglobal.net; Illjian@hotmail.com; Elena Baca-Santa Cruz; David Martinez; Cheylynda Barnard
Subject: RE: Moreno Valley Morton Road repavement & communication failure

Warning: External Email – Watch for Email Red Flags!

Good Morning all,

I'm very involved with the city of Fontana where my business is located. I recently attended a city meeting where a similar situation was taking place here. The project did NOT pass because of all the backlash from the community. Over 200 hundred signatures and roughly 20-25 community members spoke against the project every time it was up for conversation. I share this with you so that maybe it can re-spark some interest with this matter. I plan to attend the meeting to share my thoughts regarding this project and speak against it.

Sent from [Mail](#) for Windows

From: [Sandra Walsh](#)
Sent: Sunday, June 11, 2023 1:00 PM
To: [Andy Gildore](#)
Cc: [Sean P. Kelleher](#); [mortonroaddevelopmentmv@gmail.com](#); [jason.ackerman@ackermanlawpc.com](#); [mayor@moval.org](#); [luisl@moval.org](#); [planningemail@moval.org](#); [edd@moval.org](#); [Mike Lee](#); [P.E.](#); [Brian Mohan](#); [P.E.](#); [Manuel A. Mancha](#); [Jane Halstead](#); [mmichaell@moval.org](#); [luis echeverria](#); [Don Avery](#); [planningnotices@moval.org](#); [Roberta Hawkins](#); [joeangelocarter@aol.com](#); [stanzahrt@sbcglobal.net](#); [penoon@icloud.com](#); [dantyrrel@sbcglobal.net](#); [Illjian@hotmail.com](#); [elenab@moval.org](#); [davidm@moval.org](#); [cheylyndab@moval.org](#)
Subject: Re: Moreno Valley Morton Road repavement & communication failure

Afternoon,

My husband and I live within the required written notice radius and never received anything by mail.

In addition to Andy Gildore's seven (7) issues outlined below and which we still are awaiting answers, we add an eighth (8):

8. There is a significant environmental impact to also be considered before approving this project: What is planned for re-homing the burros, bobcats, rabbits, owls, etc.?

My husband is from rural Montana and the nature that surrounds us was a huge draw when we decided to purchase our home in this neighborhood. We do not want more concrete and congestion.

Sincerely,
 Sandra and Larry Walsh

On Jun 8, 2023, at 4:56 AM, Andy Gildore <gildore@gmail.com> wrote:

Subject: Urgent Concerns Regarding the Gateway Heights Rezoning Proposal

Dear Mr. Sean Kelleher, Protemp/Mayor, District#2 Rep Mr Delgado and Concerned Neighbors, I hope this email finds you well. I am writing to bring some urgent concerns to your attention regarding the Gateway Heights proposal for rezoning from R2 Residential to R10 Residential. Unfortunately, despite my previous attempts, I have not received a confirmation for inclusion on the Moreno Valley City email listserv for events related to this proposal. This is my third request, and I would appreciate your assistance in rectifying this issue.

Furthermore, I have discovered that only two streets in the vicinity of the proposed site received a Public Hearing Notice for June 8, 2023, 6 p.m. by U.S. mail, while the remaining residents were solely informed through a posted sign at the property. This lack of consistent notification has left many of us feeling taken aback and excluded from the decision-making process.

Regrettably, I must express my disappointment with the City of Moreno Valley's communication practices, not only towards its citizens but also in regard to responsiveness. Myself and other concerned neighbors have reached out to the contract planner and Moreno Valley City Officials via email, but we have yet to receive any form of acknowledgment or response. This absence of transparency, trust, and integrity in ensuring equal access and open communication is disheartening.

To provide clarity, let me outline the concerns of our community regarding the proposed rezoning:

1. Preservation of the R2 zoning: We strongly believe that maintaining the R2 zoning is essential to preserving the character of our neighborhood. The proposed R10 rezoning would introduce high-density townhome units that are not in harmony with our existing semi-custom to custom homes.
2. Parking concerns: We seek clarification on how the overflow of cars from the proposed townhomes will be accommodated. If a family has more than two cars, where will the additional vehicles be parked? We also question the monitoring and enforcement of any regulations in place and the potential consequences for non-compliance.
3. Community Park management: It is imperative to address the concerns surrounding the proposed Community Park. Specifically, we need reassurance that measures will be in place to prevent issues such as homelessness, loitering, encampments, and the accumulation of trash within the park area.
4. Emergency preparedness: Given the potential risks to our health and safety, we need to understand the evacuation plans in case of emergencies such as road closures or fires. It is crucial that adequate measures are in place to protect lives and properties in the event of an unfortunate incident.
5. Traffic impact mitigation: The absence of an unbiased traffic study report raises concerns regarding the proposed development's impact on our already congested Morton Road. Considering the 108 units, each with a 2-car garage, we estimate a significant increase of 216 to 324 cars on Morton Road alone. We urge the City of Moreno Valley to address this issue and provide a comprehensive plan to alleviate the potential traffic problems.
6. Property value compensation: We kindly request clarification on whether the City of Moreno Valley will provide compensation for any potential depreciation in property values resulting from the rezoning and the construction of the proposed townhomes.

We believe that the proposed rezoning from R2 to R10 will exacerbate the aforementioned concerns and negatively impact our community. Therefore, we urgently request your attention to these matters and seek your support in addressing and rectifying these issues.

Thank you for your time and consideration. We look forward to your prompt response, as our community's well-being and quality of life are at stake.

Sincerely,
 Andy Gildore
 Business Owner
 U.S. Marine Corps Veteran

On Mon, May 1, 2023 at 7:27 AM Andy Gildore <gildore@gmail.com> wrote:

Dear Mr. Sean Kellher,

How are you doing? I hope all is well with you. On the early morning of Thursday, April 27th, 2023. All of our neighbors were taken by surprise because the entire Morton Road was closed. The entire Morton Road was being repaved from Box Springs Road to Jennings Court. Thank you very much, it was long overdue.

However, this is a formal complaint I want registered to the City of Moreno Valley and to the person in-charge of this project. We were not only late for work and important appointments. Our time/fuel wasted driving around without any detour signs posted in advance especially to all of us who live and use this road.

I believe the City of Moreno Valley has the obligation and responsibility to notify residents in writing prior to starting this project. In addition, we kept driving from one closed street to another without any directional signs. We were trapped in heavy traffic. I did talk to one of the street workers who mentioned- **"All American Asphalt and Western Asphalt" were hired by the City of Moreno Valley.** I made a remark to the worker that there were no detour signs nor advance notification posted. There should have been signs all around. The closure start/stop dates and alternate routes. So that we are aware of the appropriate day or two before this repaving project starts. Our only exit out of the area was Clark Street to Box Springs Road/Ironwood Ave. Later that morning the signs and safety cones were placed with detours posted with arrows. Too little too late.

Mr. Kellher, this is unacceptable a total communication breakdown under the watch of Moreno Valley City. There is a serious communication failure. We are taxpayers that fund the city personnel (their salary) who are public servants. This is a total disregard of our health, safety and well-being. Is it because they don't live here because of lack of care or it's a disorganized system? **Do you think if dignitaries live here --- yourself or colleagues, would this happen here?** It is so upsetting for this to have happened. Please forward this email to the officer in-charge of this project.

By the way, in my previous email you mentioned that my email will be registered on alert notification regarding Gateway Heights projects or any projects related to Morton Road or activity development alerts. I never received any city confirmation email of such listserv or bulletins. Please subscribe to me on this mailing list. In today's communication technology, there are vast ways of Media resources to broadcast information. We should have been notified. I have served my military time honorably for our country. "First to go, last to know" I expect some common-sense open transparent communication by those individuals in charge in the chain of command. Thank you !

Furthermore, by this event it is a perfect example NOT to rezone (R2-R5 to R10) or building the Gateway Heights project of 108 Townhouses. The traffic congestion is not conducive to our environment, quality of life and above all our property value.

If there was a fire or any evacuation emergencies we will be trapped because this is the only main road to get out because the dirt road is also closed off. **Clark Street is our only other way out.** Morton Road is a single lane going up and one lane going down by Seneca Elementary School. There will also have a negative impact on the elementary school to their kid's learning environment.

This is a formal notice I want registered that we will hold the City of Moreno Valley liable and responsible. In the future development of this area, it is unconscionable to build high density homes without ingress/egress accessibility, safety, and proper traffic flow. We already have traffic congestion. Thank you for your kind understanding and appreciate your cooperation.

Sincerely,
 Andy Gildore

U.S. Marine Veteran & Business Owner

Attachment: Public Comment for City Council [Revision 1] (6350 : Gateway Heights Tract 38459)

Sean P. Kelleher

From: Frank Almeida <frnkalmeida@gmail.com>
Sent: Tuesday, August 29, 2023 6:41 PM
To: Moreno Valley Mayor; Edward A. Delgado; Elena Baca-Santa Cruz; David Martinez; Cheylynda Barnard
Cc: Sean P. Kelleher; Catherine Lin; Jason.ackerman@ackermanlawpc.com
Subject: Gateway Heights Project - Letter of Support - Sept. 5, 2023 City Council Meeting

Warning: External Email – Watch for Email Red Flags!

[Preview attachment FW: Thank you for your time today.eml](#)



[FW: Thank you for your time today.eml](#)
[172 KB](#)

Dear Mayor Cabrera and City Councilmembers:

My name is Frank Almeida and I live at 21012 Pala Foxia Place in Moreno Valley. On June 8, 2023, I attended the Moreno Valley Planning Commission meeting and expressed my opposition to the Gateway Heights project. Based on my conversations with the Gateway Heights project representative, Jason Ackerman, and City Staff, I am sending you this email **in support of the project.**

Jason gave me his contact information at the Planning Commission meeting and we connected a couple of days later. We talked about the project's traffic impact analysis, the existing roadway conditions and illegal parking on Morton Road, and issues related to homelessness and illegal dumping. Jason introduced me to Sean Kelleher and Catherine Lin via email and I shared additional concerns about illegal off-roading and illegal parking in our residential tract. (See attached email). Sean forwarded my concerns to various departments within the City and we are continuing to work together on these issues.

Based on my conversations with Jason and the City Staff, my opinion about the Gateway Heights project has changed. I believe the Gateway Heights project is a well-planned project that will not make any of the existing traffic problems worse. Also, the project will improve the area by offering new homes, completing flood control improvements, and contributing land to the Box Springs Canyon Preserve. Therefore, I am sending you this email in support of the Gateway Height project.

Sincerely,

Frank Almeida

Attachment: Public Comment for City Council [Revision 1] (6350 : Gateway Heights Tract 38459)



Report to City Council

TO: Mayor and City Council

FROM: Sean P. Kelleher, Community Development Director

AGENDA DATE: September 5, 2023

TITLE: APPEAL (PAA23-0007) OF PLANNING COMMISSION APPROVAL OF MASTER PLOT PLAN (PEN21-0289), PLOT PLANS (PEN23-0081, PEN23-0082, AND PEN23-0083), CONDITIONAL USE PERMITS (PEN20 0110, PEN20 0111, AND PEN20 0112), AND TENTATIVE PARCEL MAP NO. 37942 (PEN21-0288) FOR THE DEVELOPMENT OF AN 8.4-ACRE COMMERCIAL CENTER AND THE PROPOSED PROJECT'S RELATED MITIGATED NEGATIVE DECLARATION

RECOMMENDED ACTION

STAFF RECOMMENDATION

That the City Council:

- A. **ADOPT** Resolution No. 2023-__ attached hereto:
1. **DENYING** Appeal PAA23-0007 upholding the Planning Commission's approval of the Proposed Project which consists of Plot Plan (PEN21-0289), Plot Plans (PEN23-0081, PEN23-0082, and PEN23-0083), Conditional Use Permits (PEN20-0110, PEN20-0111, and PEN20-0112), and Tentative Parcel Map No. 37942 (PEN21-0288); and
- B. **ADOPT** Resolution No. 2023-__ attached hereto:
1. **AFFIRMING** the Planning Commission's certification and approval of the Proposed Project's Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

SUMMARY

Staff recommends denying Appeal PAA23-0007 to uphold the Planning Commission's approval of the Proposed Project and affirm the Planning Commission's certification and approval of the Proposed Project's Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

The Proposed Project Includes the following improvements:

- (1) Two medical/office buildings consisting of Med/Office Building No. 1 (PEN23-0081) and Med/Office Building No. 2 (PEN23-0082) totaling approximately 32,000 square feet;
- (2) One commercial/office building totaling approximately 40,000 square feet, consisting of Comm/Office Building No. 3 (PEN21-0289) with associated parking lots, landscaping and on and off-site improvements;
- (3) Approximately 8,000 square foot retail/restaurant building Pad B (PEN23-0083);
- (4) Two drive-thru food pads, which includes Pad A (PEN20-0110) and Pad C (PEN20-0111) totaling approximately 5,810 square feet; and
- (5) 6-pump gas station with an approximate 3,995 square foot convenience store (PEN20-0112).

The Proposed Project is located on the northeast corner of Nason Street and Cactus Avenue ("Project Site"). The General Plan and the Zoning Designation is Downtown Center (DC). The Proposed Project, as designed and conditioned, is consistent with the goals, policies, and objectives of the City's General Plan, as well as the requirements of the Downtown Center (DC) District and the Moreno Valley Municipal Code.

DISCUSSION

Planning Commission Action/Appeal

The Proposed Project was considered by the Planning Commission at a duly noticed public hearing conducted on July 13, 2023, and the Planning Commission voted unanimously (4-0) to certify and adopt the Mitigated Negative Declaration and Mitigation Monitoring Program and approve the Proposed Project.

The Planning Commission decision was appealed by Ibet Ruiz (Appellant) (PAA23-0007) within the requisite 10-day appeal period. (See attached Appeal letter.) Appellant is opposed to the Proposed Project based on the alleged contamination and "inevitable gas spillage" which Appellant purports will lower home values and bring more crime to the neighborhood. In summary, this appeal raises the following issues: 1) contamination, 2) gas spillage, 3) lower home values, and 4) crime. In light of the foregoing, the Appeal Hearing should be limited to the above matters. The Applicant has provided a response to the Appeal letter which is attached to this report.

PROJECT DESCRIPTION

Proposed Project

Tentative Parcel Map

Tentative Parcel Map No. 37942 (PEN21-0288) will subdivide one (1) existing parcel (APN: 486-290-038) into seven (7) individual parcels to allow for the sale/leasing of the proposed buildings.

The Downtown Center (DC) District's development standards require that new parcels be a minimum size of 10,000 square feet and have a minimum lot depth of 100 and width of 100 feet. All seven (7) proposed lots exceed these minimum requirements.

Master Plot Plan

Master Plot Plan (PEN21-0289) will permit the development of an 8.4-acre Commercial Center with seven (7) buildings totaling approximately 89,805 square feet. The proposed commercial/retail/office center includes a 6-pump gas station with a 3,995 square foot convenience store; two (2) drive-thru food pads totaling 5,810 square feet; one (1) commercial/office building totaling 40,000 square feet; and two (2) medical/office buildings totaling 32,000 square feet, along with associated parking, landscaping, and off-site improvements.

All on-site and off-site improvements are conditioned to be completed with the first building, including all landscaping.

Plot Plans

The three (3) Plot Plans PEN23-0081 and PEN23-0082 are for two medical office buildings (16,000 square feet each) and PEN23-0083 is for a retail building (8,000 square feet).

Conditional Use Permits

The three (3) Conditional Use Permits ("CUP") include PEN20-0110 for a drive-thru restaurant (3,500 square feet), PEN20-0110 for a second drive-thru restaurant (2,310 square feet), and PEN03-0112 for a fuel station with a convenience store with beer, wine, and spirits sales.

The Municipal Code allows for auto service stations and restaurants with drive-throughs within the Downtown Center (DC) District, subject to the approval of a CUP.

A CUP allows the City to impose special development requirements to ensure that certain uses will not be detrimental to the Proposed Project's surrounding properties. A CUP also ensures that conditionally permitted uses are compatible with existing land uses.

The following summarizes the Proposed Project's design elements that are intended to minimize impacts on the residential districts to the east and south:

A. Perimeter landscape parkways, fences, and screening tree rows along the site's property lines.

B. A six-foot decorative block wall along the east property line.

The Proposed Project as designed and conditioned satisfies all requirements of the General Plan and the Municipal Code.

Site and Surrounding Area

The Project Site is relatively flat vacant land located on the northeast corner of Cactus Avenue and Nason Street within the Downtown Center (DC) District. The property directly to the north of the Project Site is also vacant and located within the Downtown Center (DC) District. There are existing single-family homes directly east and south of the Project Site are located on land within the Residential Agricultural 2 (RA2) District. Directly west of the Project Site is a medical building and a vacant lot adjacent to the Riverside University Health System Medical Center, which is also within the Downtown Center (DC) District.

Access/Parking

The Proposed Project's access will be from three (3) new driveways: two (2) on Cactus Avenue and one (1) on Nason Street. Driveways are right-in and right-out except for one (1) full-access driveway on Cactus Avenue. The north driveway on Nason Street is currently signalized and will allow for inbound movements only per the project design.

The Proposed Project, as designed, will incorporate reciprocal access and parking. The Proposed Project includes a total of 442 parking spaces, consistent with Municipal Code requirements.

Design/Landscaping

The Proposed Project includes four (4) approximately 28-foot-tall one-story commercial buildings, one (1) approximately 47-foot tall, 3-story commercial/office building, and two (2) approximately 35-foot tall 2-story medical/office buildings. The proposed building elevations present a modern-influenced architectural style. The exterior finishes include a combination of stucco and plaster finishes in earth-tone colors, brick veneer, metal trim, metal awnings, and spandrel glass. Tower elements and various wall finishes with different wall planes break up the massing and add focal points to the buildings.

The Proposed Project, as designed, conforms to all development standards of the Downtown Center (DC) District and the design guidelines for commercial developments prescribed in the Municipal Code and City Landscape Standards.

The landscape elements of the Proposed Project include the landscape setback along Nason Street and Cactus Avenue. Within this landscape setback, there will be street trees and shrubs, with on-site trees and shrubs in the internal site and parking lot landscape areas which have been designed consistent with the City Landscape Standards.

ENVIRONMENTAL

An Initial Study was prepared by ECORP Consulting Services, 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 on the environment to determine the relative environmental impacts associated with the Proposed Project. The Initial Study concluded that with the implementation of the proposed mitigation measures, the Proposed Project will have a less than significant effect on the environment; as such, a Mitigated Negative Declaration (MND) serves as the appropriate CEQA documentation for the Proposed Project. Technical studies prepared in support of the Initial Study/MND include the following: Air Quality Impact Analysis, Biological Resources Assessment, Cultural Resource Report, Noise Impact Assessment, a Phase I Environmental Site Assessment, and a Traffic Report Addendum. Copies of the appendices to the Initial Study/MND can be accessed from the link attached to this staff report. The documents can be reviewed at City Hall during operating hours.

Mitigation measures are recommended for the Proposed Project in the following areas: Biological Resources, Cultural and Tribal Cultural Resources, Geology and Soils, Noise, and Transportation, all of which are incorporated into 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 resources that might be discovered are protected. However, these measures are not required to address a known significant impact. Based on the Initial Study and with the implementation of the proposed mitigation measures, the Proposed Project will not cause any significant impacts to the environment.

The public comment period for the Notice of Availability of the Initial Study/MND began on June 14, 2023, and ended on July 5, 2023, (State Clearing House Number 2023050246), which satisfies the required 20-day review period required for this project. As of the preparation of this staff report, no comments have been received. Written comments received after the preparation of this staff report will be provided at the public hearing.

ALTERNATIVES

1. **DENYING** Appeal PAA23-0007 upholding the Planning Commission's approval of the Proposed Project and affirming the Planning Commission's certification and approval of the Proposed Project's Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. (*Staff recommends this alternative.*)
2. **GRANT** Appeal PAA23-0007, reversing the Planning Commission's approval of Proposed Project. (*Staff does not recommend this alternative.*)

FISCAL IMPACT

The proposed project will result in the creation of new jobs within the Medical, office,

retail, and food service industries. The new business will also generate additional sales tax, which can be utilized for various community improvements and programming. Finally, the project will also be required to install new public improvements along Nason Street and Cactus Avenue.

NOTIFICATION

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

PREPARATION OF STAFF REPORT

Prepared By:
Julia Descoteaux
Senior Planner

Department Head Approval:
Sean P. Kelleher
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.

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. 2023-XX
3. Resolution No. 2023-XX CEQA
4. Exhibit A to Resolution No. 2023-XX IS-MND
5. Appendix A - Air Quality Greenhouse Gas Emissions Assessment and Energy Consumption Modeling Results
6. Appendix B - Biological Technical Report and 2023 Update
7. Appendix C - Cultural Resource Inventory Report 2023 Update

- 8. Appendix D - Noise Impact Assessment
- 9. Appendix E - Phase I Environmental Site Assessment
- 10. Appendix F - 2020 Traffic Impact Assessment, 2023 Update and 2023 VMT Memo
- 11. Exhibit B to Resolution No. 2023-XX IS-MND
- 12. Project Plans 1 of 2
- 13. Project Plans 2 of 2
- 14. Zoning Map
- 15. Planning Commission Staff Report and Resolutions - July 13, 2023
- 16. Initial Study Comments
- 17. Planning Commission Public Comments
- 18. Applicants Letter - August 24, 2023

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	8/29/23 9:28 AM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	8/29/23 9:33 AM

Appeal for Gas Station on Nason and Cactus

To Whom It May Concern,

This letter is to appeal the gas station that has been planned to operate on the corner of Nason and Cactus. This gas station is being placed in an area that most of the residents closest to it, oppose, due to contamination to our areas and a business that will be running 24 hours, 7 days a week. Not only will this business contaminate our neighborhood with inevitable gas spillage, it will lower our home values, and bring more crime to our neighborhood.

Citizen of Moreno Valley since 1980,

Ibet Ruiz

951-318-5781

RECEIVED

JUL 24 2023

CITY OF MORENO VALLEY
Planning Division

Attachment: Appeal Letter (6364 : Appeal of Planning Commission approval of the Cactus Ave/Nason St Commercial/Office/Retail Project)

RESOLUTION NUMBER 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DENYING APPEAL (PAA23-0007) UPHOLDING THE PLANNING COMMISSION’S APPROVAL OF THE PROPOSED PROJECT CONSISTING OF PLOT PLAN (PEN21-0289), PLOT PLANS (PEN23-0081, PEN23-0082, AND PEN23-0083), CONDITIONAL USE PERMITS (PEN20-0110, PEN20-0111, AND PEN20-0112), AND TENTATIVE PARCEL MAP NO. 37942 (PEN21-0288)

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

WHEREAS, Winchester Associates for MV Cactus 9 (“Applicant”) has submitted applications for a Master Plot Plan (PEN21-0289), Plot Plans (PEN23-0081, PEN23-0082, and PEN23-0083), Conditional Use Permits (PEN20-0110, PEN20-0111, and PEN20-0112), and Tentative Parcel Map No. 37942 (PEN21-0288) for an approximately 8.4-acre commercial center with associated public improvements (collectively, “Proposed Project”) located on the northeast corner of Cactus Avenue and Nason Street (APN: 486-290-038) (“Project Site”); and

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

WHEREAS, on July 13, 2023, a duly noticed public hearing was conducted by the Planning Commission to consider the Proposed Project’s MND and MMRP and the Proposed Project entitlements; and

WHEREAS, at the conclusion of the July 13, 2023, public hearing, in the exercise of its own independent judgment, the Planning Commission certified and approved the MND, and the MMRP prepared for the Proposed Project, and approved the Proposed Project; and

WHEREAS, on July 24, 2023, Ibet Ruiz (“Appellant”) (PAA23-0007) appealed the Planning Commission’s decision based on 1) contamination, 2) gas spillage, 3) lower home values, and 4) crime; and

WHEREAS, on September 5, 2023, a duly noticed appeal hearing was conducted by the City Council regarding the above issues raised by the Appellant.

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

Section 1. Recitals and Exhibits

Attachment: Resolution No. 2023-XX [Revision 1] (6364 : Appeal of Planning Commission approval of the Cactus Ave/Nason St

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 APPEAL (PAA23-0007), including, but not limited to, the following:

- (a) Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the Proposed Project, attached hereto as Exhibit A;
- (b) Notice of Intent to Adopt a Mitigated Negative Declaration, attached hereto as Exhibit B;
- (c) Staff Report prepared for the Planning Commission's consideration and all documents, records, and references related thereto, and Staff's presentation at the public hearing;
- (d) Testimony, comments, and correspondence from all persons that were provided at, or prior to, the July 13, 2023, Planning Commission public hearing;
- (e) Appeal PAA23-0007;
- (f) Staff Report prepared for the City Council's consideration and all documents, records, and references related thereto, and Staff's presentation at the appeal hearing; and
- (g) Testimony, comments, and correspondence from all persons that were provided at, or prior to, the City Council September 5, 2023, appeal hearing; and
- (h) Proposed conditions of approval set forth in the Proposed Project's entitlements.

Section 3. Findings

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

- (a) That the MND and MMRP have been completed in compliance with CEQA and the CEQA Guidelines consistent with the City's Rules and Procedures for the Implementation of the California Environmental Quality Act;
- (b) That the Planning Commission properly determined that all environmental impacts of the Proposed Project, with the mitigation measures set forth in the MMRP, have been reduced to levels of insignificance and there is no substantial evidence supporting a fair argument that the Proposed Project will have a significant effect on the environment that would otherwise require the preparation and certification of an Environmental Impact Report;
- (c) That the MND and MMRP reflect both the independent judgment and analysis of the Planning Commission and the City; and
- (d) That each of the Proposed Project's entitlements were properly approved by the Planning Commission, based on the necessary findings, as set forth

in the Moreno Valley Municipal Code, that must be made in order to approve each entitlement.

Section 4. Denial of Appeal

That based on the foregoing Recitals, Evidence and Findings, as set forth herein, the City Council hereby denies Appeal, PAA23-0007, upholding the Planning Commission’s approval of the Proposed Project.

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.

[Remainder of Page Intentionally Left Blank]

Attachment: Resolution No. 2023-XX [Revision 1] (6364 : Appeal of Planning Commission approval of the Cactus Ave/Nason St

Section 8. Certification

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

PASSED AND ADOPTED THIS 5th day of September 2023, by the City Council of the City of Moreno Valley.

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: Tentative Tract Map No. 37942 (PEN21-0289) Conditions of Approval
- Exhibit B: Master Plot Plan (PEN21-0289) Conditions of Approval
- Exhibit C: Plot Plan (PEN23-0081) Conditions of Approval
- Exhibit D: Plot Plan (PEN23-0082) Conditions of Approval
- Exhibit E: Plot Plan (PEN23-0083) Conditions of Approval
- Exhibit F: Conditional Use Permit (PEN20-0110) Conditions of Approval
- Exhibit G: Conditional Use Permit (PEN20-0111) Conditions of Approval
- Exhibit H: Conditional Use Permit (PEN20-0112) Conditions of Approval

Attachment: Resolution No. 2023-XX [Revision 1] (6364 : Appeal of Planning Commission approval of the Cactus Ave/Nason St

Exhibit A

Tentative Tract Map 37942 (PEN21-0288) Conditions of Approval

Attachment: Resolution No. 2023-XX [Revision 1] (6364 : Appeal of Planning Commission approval of the Cactus Ave/Nason St

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN21-0288)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Tentative Parcel Map (PEN21-0288)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

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4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The 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)
6. 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.
7. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

Special Conditions

8. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval.
9. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.
10. Prior to grading plan approval, decorative block walls shall be provided along the street side for all corner lots. (MC 9.08.070)
11. Prior to recordation of the final map, the form of deed restriction or open space easement (secured by Development Agreement or other form) binding on the land, the subdivider, and/or future land owners which shall prohibit an increase in the number of lots within the Hillside Residential District shall be submitted to and approved by the Planning Division. The map shall then be recorded with the approved restriction in place.

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12. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
13. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
14. A drought tolerant landscape palette shall be utilized throughout the tract in compliance with the City's Landscape Requirements. (9.17)
15. Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be submitted to and approved by the Planning Division, and Public Works Department - Special Districts Division for review and approval by each division. (GP - Circulation Master Plan)
16. If potential historic, archaeological, Native American cultural resources, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the "most likely descendant." The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

17. Prior to issuance of building permit issuance, landscape plans (trees, shrubs and groundcover) for basins maintained by an HOA or other private entity shall be submitted to and approved by the Planning Division for the sides and/or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All

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- detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative (e.g. split face, color variation, pattern variation, or as approved by the Planning Official) wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Planning Official is required to secure all water quality and detention basins more than 18 inches in depth.
18. 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)
 19. 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.
 20. 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)
 21. 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.)
 22. Prior to grading plan approval, wall and fence plans shall be submitted to and approved by the Planning Division to include a six (6) foot high solid decorative (e.g. split face, color variation, pattern variation, or as approved by the Planning Official) block wall along the all tract perimeters.
 23. 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.
 24. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following: The name and address of the development and the developer's name and address to include a 24-hour emergency phone number.
 25. Prior to issuance of grading permits, the developer shall pay the applicable

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Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee.

26. Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
- a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially 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.
27. Prior to approval of any grading permit, a tree plan shall be submitted to and approved by the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be shown on the plan, be a minimum size of 24

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- inch box, and meet a ratio of three replacement trees for each mature tree removed or as approved by the Planning Official. (GP Objective 4.4, 4.5, DG)
28. All undeveloped portions of the site in perpetuity shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
 29. 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.
 30. Prior to grading plan approval, wall and fence plans shall be submitted to and approved by the Planning Division subject to the City's Municipal Code including the following:
 - A. A solid decorative (e.g. split face, color variation, pattern variation, or as approved by the Planning Official) block wall with pilasters and a cap is required along the east property line/perimeter of the project site, adjacent to single-family.
 31. The site is approved for a Parcel Map to subdivide the approximate 8.4-acre parcel into seven (7) lots within the Master Plot Plan shopping center PEN21-0289. The Parcel Map shall include reciprocal access for all parcels. A change or modification will require a separate review.
 32. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Building Division

33. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
34. 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.
35. Contact the Building Safety Division for permit application submittal requirements.
36. 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.

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37. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
38. 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.
39. 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.
40. 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.
41. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
42. 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)
43. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
 The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services

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Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FIRE DEPARTMENT**Fire Prevention Bureau**

44. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
45. 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)
46. 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)
47. 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)
48. 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)
49. 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)
50. Prior to issuance of building permits, plans specifying the required structural materials for building construction in high fire hazard severity zones shall be submitted to the Fire Prevention Bureau for approval. (CFC, 4905)
51. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])

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52. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
53. 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.
54. 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.
55. 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)
56. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
57. 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])
58. 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])
59. 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

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- constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
60. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 61. 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)
 62. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 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. 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)
 66. 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)
 67. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.

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68. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
69. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
70. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
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.
72. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed

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statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT**Moreno Valley Utility**

73. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
74. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

75. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place.

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The developer will be responsible, at developer's expense, for any and all costs associated with the relocation of any of Moreno Valley Utility's underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

PUBLIC WORKS DEPARTMENT**Land Development**

76. 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.
77. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
78. 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.
79. 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

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- 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.
80. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
 81. 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]
 82. 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)]
 83. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
 84. 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.
 85. 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.
 86. The proposed private storm drain system shall connect to the proposed

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underground infiltration basin on the south side of the property. 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.

87. 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. Map (recording prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan prior to grading permit issuance);
 - d. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release);
 - h. As-Built revision for all plans (prior to occupancy release).
88. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for single-family residential 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 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 Property Owner's Association (POA).
89. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California

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Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

90. 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.
91. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
92. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
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

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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 underground infiltration basin. 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.

94. 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.

95. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted

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- for review and approved by the City Engineer per the current submittal requirements.
96. 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.
 97. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
 98. 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.
 99. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
 100. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.

Prior to Grading Permit

101. 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)]
102. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
103. 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)]
104. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be

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submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]

Prior to Map Approval

105. All proposed street names shall be submitted for review and approved by the City Engineer, if applicable. [MC 9.14.090(E.2.k)]
106. 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.
107. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
108. Resolution of all drainage issues shall be as approved by the City Engineer.
109. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]
110. 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]
111. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
112. 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.

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113. 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 shall establish a Property Owners Association (POA) to finance the maintenance of the "Water Quality BMPs".

Prior to Improvement Plan Approval

114. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
115. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
116. 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.
117. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
118. 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.
119. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
120. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to

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be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

121. 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.
122. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.

Prior to Encroachment Permit

123. 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.
124. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

125. 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.
126. For all subdivision projects, the map shall be recorded (excluding model homes). [MC 9.14.190]

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127. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
- (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.
128. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
129. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).

Prior to Occupancy

130. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
131. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
132. 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.

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133. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.
134. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
135. 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.
136. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.

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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.

137. Prior to occupancy, the following improvements shall be completed:

Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVSI-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.

Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.

138. Prior to occupancy, the following improvements shall be completed:

The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East Hospital Road allows for necessary reconstruction work.

Special Districts Division

139. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.

140. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation

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

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

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

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

An alternative to satisfying this condition will be identified at such time as a special

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financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

142. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.
143. CFD 2014-01. Prior to City Council action authorizing the recordation of the map, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and/or b) if a landscaped median is required, Landscape Maintenance Services for public parkway, traffic circle, open space, and/or median landscaping on Cactus Avenue.

This condition must be fully satisfied prior to issuance of the 1st Building Permit. 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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

144. Park Maintenance Funding. Prior to City Council action authorizing the recordation of the map, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

This condition must be fully satisfied prior to issuance of the 1st Building Permit. 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

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- obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.
145. Approved Landscape Plans. If a landscaped median is required, for those areas to be maintained by the City and prior to the issuance of the 1st Building Permit, Planning, Landscape Services and Transportation Engineering staff, at a minimum, shall review and approve the final median, parkway, slope, traffic circle and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval.
 146. Right of Way Water Quality BMP Maintenance. The ongoing maintenance of any water quality BMP (e.g. Bioswale) constructed in the public right of way shall be the responsibility of a property owner association or the property owner.
 147. Maintenance Period. If a landscaped median is required, the Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
 148. Independent Utilities. Parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are required to have independent utility systems, including but not limited to water, electric, and telephone services. An independent irrigation controller and pedestal will also be required. Combining utility systems with existing or future landscape areas that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
 149. Landscape Inspection Fees. If a landscaped median is required, inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre-construction meeting. (MC 3.32.040)
 150. Landscape Guidelines. Plans for parkway, median, slope, traffic circle, and/or open space landscape areas designated in the project's Conditions of Approval for incorporation into a City Coordinated landscape maintenance program, shall be prepared and submitted in accordance with the City of Moreno Valley Public Works Department Landscape Design Guidelines. The guidelines are available on the City's website at www.moval.org or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
 151. Maintenance Responsibility. The ongoing maintenance of any landscaping required

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Tentative Parcel Map (PEN21-0288)

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to be installed behind the curb shall be the responsibility of the property owner.

152. Landscape Plan Check Fees. Plan check fees for review of parkway/median, open space, and/or traffic circle landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
153. Parkway, open space, traffic circle, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
154. If a landscaped median is required, mylars of the landscape and irrigation plans shall be submitted on hanging tab to Landscape Services.

Transportation Engineering Division

155. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
156. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
157. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
158. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.
159. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only
160. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
161. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN21-0288)

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Standard Plan No. MVS1-164A, B, C-0.

162. 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 within the project area.
163. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
164. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
165. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
166. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one shared through/right-turn lane.
167. All public improvement plans required for this project shall be approved by the City Engineer prior to map approval and the Developer shall guarantee the completion of all related improvements required for this project as required by the Land Development Division.
168. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

169. This project is subject to current Development Impact Fees.

Exhibit B

Master Plot Plan (PEN21-0289) Conditions of Approval

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Plot Plan (PEN21-0289)

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CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan (PEN21-0289)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the

CONDITIONS OF APPROVAL

Plot Plan (PEN21-0289)

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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.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The 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)
8. 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)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. To reduce single event noise impacts to below the level of 55 dBA beyond the boundaries of the property, delivery operations shall be limited to between the hours of am and pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140,)
11. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line.

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Plot Plan (PEN21-0289)

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(MC9.09.080 C.6 and 9.10.140)

12. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
13. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.
14. The site has been approved for a Master Plot Plan for the development of the Cactus Avenue and Nason Street Commercial Office and Retail Development project to include approximately 89, 805 square feet of development with seven buildings. Development includes:
 - PEN21-0289, Master Plot Plan includes Office/Medical Building 3 (approximately 40,000 square feet).
 - Plot Plan PEN23-0081, Medical/Office Building 1 (approximately 16,000 square feet).
 - Plot Plan PEN23-0082, Medical/Office Building 2 (approximately 16,000 square feet).
 - Plot Plan PEN23-0083 for Pad B, a retail/restaurant building (approximately 8,000 square feet).
 - Conditional Use Permit PEN20-0110 Pad A, a fast-food restaurant with a drive-through (approximately 3,500 square feet).
 - Conditional Use Permit PEN20-0111 Pad C, a fast-food restaurant with a drive-through (approximately 2,310 square feet).
 - Conditional Use Permit PEN20-0112, for a fuel station with convenience store with beer, wine, and spirits sales.

This Master Plot Plan includes all on-site and off-site improvements with reciprocal access, per the approved plans and Municipal Code Requirements. All improvements are required with the first building. A change or modification shall require separate approval. For the Conditional Use Permits, violation(s) may result in revocation of the Conditional Use Permit.
15. One outdoor trash receptacle shall be provided shall be provided for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
16. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Prior to Grading Permit

17. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.

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18. 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)
19. 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.
20. 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)
21. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
22. 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.
23. 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]
24. Prior to the issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for the Planning Division 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.

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- d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
25. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
26. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
27. Prior to issuance of any building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
28. 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.
29. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan as submitted with the Building and Safety submittal, or as a separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color, and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
30. Prior to the issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls where required.
 - d. Drought tolerant landscape shall be used. No sod shall be installed
 - e. Street trees shall be provided every 40 feet on-center.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30)

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linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.

h. Landscaping on three sides of any trash enclosure.

i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of the first building final or certificate of any occupancy permits.

31. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
32. 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)
33. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
34. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
35. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans,

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an additional plan check fee will apply. (MC 9.08.100, 9.16.280)

36. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
39. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

40. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
41. 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.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. 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.

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- 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.
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 46. 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.
 47. 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.
 48. 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.
 49. The proposed non-residential project shall comply with the California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
 50. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
 51. 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)
 52. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee

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Administration (CDTFA),

b) must be registered as a retailer, not consumer, of materials, and

c) have an executed contract over \$5 million to install materials at the jobsite.

The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

53. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
54. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
55. New Moreno Valley businesses are encouraged to hire local residents.
56. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
57. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center ("BERC").

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

58. All Fire Department access roads or driveways shall not exceed 12 percent grade.

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(CFC 503.2.7 and MVMC 8.36.060[G])

59. 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)
60. 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)
61. 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)
62. 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)
63. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
64. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
65. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
66. 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

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- Valley Fire Department prior to beginning construction. They shall be maintained accessible.
67. 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.
 68. 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)
 69. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 70. A fire extinguisher with a minimum rating of 3A:40BC shall be mounted in an accessible location within the cell site enclosure next to the fueled generator.
 71. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 72. 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])
 73. 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)
 74. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 75. 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

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- 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)
76. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 77. 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)
 78. 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)
 79. 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)
 80. 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)
 81. 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)
 82. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 83. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 84. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

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85. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
86. 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.
87. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - must be registered as a retailer, not consumer, of materials, and
 - have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Moreno Valley Utility

88. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
89. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

90. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

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PUBLIC WORKS DEPARTMENT**Land Development**

91. 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.
92. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
93. 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.
94. 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

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that all operations and activities are in conformance with these conditions.

95. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
96. 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]
97. 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)]
98. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
99. 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.
100. 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.
101. The proposed private storm drain system shall connect to the proposed underground infiltration basin on the south side of the property. 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.

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102. 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. 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. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release).
 - h. As-Built revision for all plans (prior to occupancy release).
103. 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 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 Property Owner's Association (POA).
104. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that

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sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

105. Resolution of all drainage issues shall be as approved by the City Engineer.
106. 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.
107. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
108. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
109. 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

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for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of underground infiltration basin. 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 & Safety Division.

110. 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.

111. 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.

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112. 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.
113. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
114. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
115. 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.
116. 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.

Prior to Grading Permit

117. 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)]
118. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
119. 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)]
120. 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]

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121. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.

Prior to Improvement Plan Approval

122. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
123. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
124. 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.
125. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
126. 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.
127. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
128. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

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129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. 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.
131. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

132. 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.
133. Any work performed within public right-of-way requires an encroachment permit.
134. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]

Prior to Building Permit

135. 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

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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.

136. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
137. 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).
138. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
139. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
 - (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

140. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
141. 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.

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- 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.

- 142. 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.

- 143. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

- 144. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVS1-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVS1-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.

- 145. Prior to occupancy, the following improvements shall be completed:
 The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East

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Hospital Road allows for necessary reconstruction work.

146. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
147. Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVS1-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVS1-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.
148. The Developer shall comply with the following water quality related items:
- Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - 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;
 - Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

149. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
150. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate

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the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

152. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

153. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

154. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
155. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
156. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

157. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
158. Project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-112C-0 for commercial driveway approaches and as shown on the approved site plan, dated April 6, 2023.
159. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
160. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
161. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
162. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only

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163. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
164. Prior to issuance of a certificate of occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
165. Prior to issuance of a certificate of occupancy, all signing and striping shall be installed per current City Standards and the approved plans.
166. Prior to issuance of a certificate of occupancy, the applicant shall make a fair-share contribution to the City of Moreno Valley for the additional southbound right-turn lane at the intersection of Nason Street and Iris Avenue, as identified in the traffic analysis.
167. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
168. 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 within the project area.
169. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
170. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one shared through/right-turn lane.
171. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
172. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.

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173. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
174. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
175. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

176. This project is subject to current Development Impact Fees.

Exhibit C

Plot Plan (PEN23-0081) Conditions of Approval

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CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan (PEN23-0081)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the

CONDITIONS OF APPROVAL

Plot Plan (PEN23-0081)

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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.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The 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)
8. 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)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. To reduce single event noise impacts to below the level of 55 dBA beyond the boundaries of the property, delivery operations shall be limited to between the hours of am and pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140,)
11. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line.

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(MC9.09.080 C.6 and 9.10.140)

12. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
13. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.
14. The site has been approved for a Master Plot Plan for the development of the Cactus Avenue and Nason Street Commercial Office and Retail Development project to include approximately 89, 805 square feet of development with seven buildings. Development includes:
 - PEN21-0289, Master Plot Plan includes Office/Medical Building 3 (approximately 40,000 square feet).
 - Plot Plan PEN23-0081, Medical/Office Building 1 (approximately 16,000 square feet).
 - Plot Plan PEN23-0082, Medical/Office Building 2 (approximately 16,000 square feet).
 - Plot Plan PEN23-0083 for Pad B, a retail/restaurant building (approximately 8,000 square feet).
 - Conditional Use Permit PEN20-0110 Pad A, a fast-food restaurant with a drive-through (approximately 3,500 square feet).
 - Conditional Use Permit PEN20-0111 Pad C, a fast-food restaurant with a drive-through (approximately 2,310 square feet).
 - Conditional Use Permit PEN20-0112, for a fuel station with convenience store with beer, wine, and spirits sales.

This Master Plot Plan includes all on-site and off-site improvements with reciprocal access, per the approved plans and Municipal Code Requirements. All improvements are required with the first building. A change or modification shall require separate approval. For the Conditional Use Permits, violation(s) may result in revocation of the Conditional Use Permit.
15. One outdoor trash receptacle shall be provided shall be provided for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
16. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Prior to Grading Permit

17. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.

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18. 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)
19. 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.
20. 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)
21. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
22. 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.
23. 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]
24. Prior to the issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for the Planning Division 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.

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- d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
25. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
26. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
27. Prior to issuance of any building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
28. 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.
29. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan as submitted with the Building and Safety submittal, or as a separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color, and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
30. Prior to the issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls where required.
 - d. Drought tolerant landscape shall be used. No sod shall be installed
 - e. Street trees shall be provided every 40 feet on-center.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30)

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linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.

h. Landscaping on three sides of any trash enclosure.

i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of the first building final or certificate of any occupancy permits.

31. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
32. 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)
33. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
34. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
35. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans,

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an additional plan check fee will apply. (MC 9.08.100, 9.16.280)

36. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
39. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

40. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
41. 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.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. 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.

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- 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.
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 46. 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.
 47. 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.
 48. 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.
 49. The proposed non-residential project shall comply with the California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
 50. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
 51. 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)
 52. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee

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Administration (CDTFA),

b) must be registered as a retailer, not consumer, of materials, and

c) have an executed contract over \$5 million to install materials at the jobsite.

The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

53. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
54. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
55. New Moreno Valley businesses are encouraged to hire local residents.
56. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
57. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center ("BERC").

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

58. All Fire Department access roads or driveways shall not exceed 12 percent grade.

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(CFC 503.2.7 and MVMC 8.36.060[G])

59. 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)
60. 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)
61. 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)
62. 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)
63. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
64. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
65. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
66. 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

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- Valley Fire Department prior to beginning construction. They shall be maintained accessible.
67. 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.
 68. 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)
 69. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 70. A fire extinguisher with a minimum rating of 3A:40BC shall be mounted in an accessible location within the cell site enclosure next to the fueled generator.
 71. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 72. 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])
 73. 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)
 74. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 75. 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

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- 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)
76. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 77. 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)
 78. 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)
 79. 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)
 80. 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)
 81. 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)
 82. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 83. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 84. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

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85. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
86. 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.
87. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Moreno Valley Utility

88. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
89. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

90. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

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PUBLIC WORKS DEPARTMENT**Land Development**

91. 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.
92. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
93. 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.
94. 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

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that all operations and activities are in conformance with these conditions.

95. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
96. 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]
97. 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)]
98. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
99. 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.
100. 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.
101. The proposed private storm drain system shall connect to the proposed underground infiltration basin on the south side of the property. 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.

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102. 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. 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. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release).
 - h. As-Built revision for all plans (prior to occupancy release).
103. 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 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 Property Owner's Association (POA).
104. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that

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sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

105. Resolution of all drainage issues shall be as approved by the City Engineer.
106. 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.
107. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
108. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
109. 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

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for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of underground infiltration basin. 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 & Safety Division.

110. 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.

111. 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.

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112. 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.
113. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
114. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
115. 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.
116. 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.

Prior to Grading Permit

117. 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)]
118. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
119. 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)]
120. 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]

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121. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.

Prior to Improvement Plan Approval

122. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
123. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
124. 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.
125. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
126. 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.
127. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
128. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

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129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. 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.
131. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

132. 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.
133. Any work performed within public right-of-way requires an encroachment permit.
134. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]

Prior to Building Permit

135. 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

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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.

136. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
137. 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).
138. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
139. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
 - (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

140. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
141. 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.

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- 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.

- 142. 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.

- 143. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

- 144. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVS1-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVS1-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.

- 145. Prior to occupancy, the following improvements shall be completed:
 The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East

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Hospital Road allows for necessary reconstruction work.

146. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
147. Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVSI-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.
148. The Developer shall comply with the following water quality related items:
- Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - 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;
 - Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

149. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
150. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate

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the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

152. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

153. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

154. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
155. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
156. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

157. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
158. Project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-112C-0 for commercial driveway approaches and as shown on the approved site plan, dated April 6, 2023.
159. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
160. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
161. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
162. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only

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163. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
164. Prior to issuance of a certificate of occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
165. Prior to issuance of a certificate of occupancy, all signing and striping shall be installed per current City Standards and the approved plans.
166. Prior to issuance of a certificate of occupancy, the applicant shall make a fair-share contribution to the City of Moreno Valley for the additional southbound right-turn lane at the intersection of Nason Street and Iris Avenue, as identified in the traffic analysis.
167. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
168. 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 within the project area.
169. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
170. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one shared through/right-turn lane.
171. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
172. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.

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173. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
174. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
175. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

176. This project is subject to current Development Impact Fees.

Exhibit D

Plot Plan (PEN23-0082) Conditions of Approval

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CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan (PEN21-0082)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the

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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.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The 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)
8. 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)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. To reduce single event noise impacts to below the level of 55 dBA beyond the boundaries of the property, delivery operations shall be limited to between the hours of am and pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140,)
11. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line.

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(MC9.09.080 C.6 and 9.10.140)

12. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
13. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.
14. The site has been approved for a Master Plot Plan for the development of the Cactus Avenue and Nason Street Commercial Office and Retail Development project to include approximately 89, 805 square feet of development with seven buildings. Development includes:
 - PEN21-0289, Master Plot Plan includes Office/Medical Building 3 (approximately 40,000 square feet).
 - Plot Plan PEN23-0081, Medical/Office Building 1 (approximately 16,000 square feet).
 - Plot Plan PEN23-0082, Medical/Office Building 2 (approximately 16,000 square feet).
 - Plot Plan PEN23-0083 for Pad B, a retail/restaurant building (approximately 8,000 square feet).
 - Conditional Use Permit PEN20-0110 Pad A, a fast-food restaurant with a drive-through (approximately 3,500 square feet).
 - Conditional Use Permit PEN20-0111 Pad C, a fast-food restaurant with a drive-through (approximately 2,310 square feet).
 - Conditional Use Permit PEN20-0112, for a fuel station with convenience store with beer, wine, and spirits sales.

This Master Plot Plan includes all on-site and off-site improvements with reciprocal access, per the approved plans and Municipal Code Requirements. All improvements are required with the first building. A change or modification shall require separate approval. For the Conditional Use Permits, violation(s) may result in revocation of the Conditional Use Permit.
15. One outdoor trash receptacle shall be provided shall be provided for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
16. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Prior to Grading Permit

17. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.

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18. 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)
19. 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.
20. 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)
21. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
22. 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.
23. 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]
24. Prior to the issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for the Planning Division 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.

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- d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
25. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
26. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
27. Prior to issuance of any building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
28. 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.
29. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan as submitted with the Building and Safety submittal, or as a separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color, and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
30. Prior to the issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls where required.
 - d. Drought tolerant landscape shall be used. No sod shall be installed
 - e. Street trees shall be provided every 40 feet on-center.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30)

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linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.

h. Landscaping on three sides of any trash enclosure.

i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of the first building final or certificate of any occupancy permits.

31. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
32. 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)
33. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
34. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
35. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans,

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an additional plan check fee will apply. (MC 9.08.100, 9.16.280)

36. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
39. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

40. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
41. 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.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. 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.

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- 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.
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 46. 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.
 47. 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.
 48. 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.
 49. The proposed non-residential project shall comply with the California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
 50. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
 51. 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)
 52. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee

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Administration (CDTFA),

b) must be registered as a retailer, not consumer, of materials, and

c) have an executed contract over \$5 million to install materials at the jobsite.

The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

53. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
54. New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
55. New Moreno Valley businesses are encouraged to hire local residents.
56. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
57. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

58. All Fire Department access roads or driveways shall not exceed 12 percent grade.

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(CFC 503.2.7 and MVMC 8.36.060[G])

59. 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)
60. 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)
61. 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)
62. 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)
63. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
64. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
65. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
66. 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

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- Valley Fire Department prior to beginning construction. They shall be maintained accessible.
67. 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.
 68. 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)
 69. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 70. A fire extinguisher with a minimum rating of 3A:40BC shall be mounted in an accessible location within the cell site enclosure next to the fueled generator.
 71. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 72. 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])
 73. 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)
 74. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 75. 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

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- 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)
76. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 77. 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)
 78. 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)
 79. 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)
 80. 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)
 81. 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)
 82. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 83. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 84. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

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85. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
86. 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.
87. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Moreno Valley Utility

88. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
89. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

90. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

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PUBLIC WORKS DEPARTMENT**Land Development**

91. 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.
92. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
93. 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.
94. 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

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that all operations and activities are in conformance with these conditions.

95. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
96. 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]
97. 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)]
98. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
99. 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.
100. 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.
101. The proposed private storm drain system shall connect to the proposed underground infiltration basin on the south side of the property. 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.

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102. 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. 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. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release).
 - h. As-Built revision for all plans (prior to occupancy release).
103. 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 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 Property Owner's Association (POA).
104. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that

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sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

105. Resolution of all drainage issues shall be as approved by the City Engineer.
106. 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.
107. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
108. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
109. 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

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for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of underground infiltration basin. 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 & Safety Division.

110. 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.

111. 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.

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112. 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.
113. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
114. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
115. 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.
116. 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.

Prior to Grading Permit

117. 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)]
118. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
119. 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)]
120. 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]

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121. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.

Prior to Improvement Plan Approval

122. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
123. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
124. 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.
125. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
126. 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.
127. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
128. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

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129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. 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.
131. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

132. 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.
133. Any work performed within public right-of-way requires an encroachment permit.
134. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]

Prior to Building Permit

135. 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

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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.

136. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
137. 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).
138. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
139. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
 - (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

140. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
141. 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.

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- 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.

- 142. 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.

- 143. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

- 144. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.

- 145. Prior to occupancy, the following improvements shall be completed:
 The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East

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Hospital Road allows for necessary reconstruction work.

146. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
147. Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVS1-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVS1-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.
148. The Developer shall comply with the following water quality related items:
- Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - 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;
 - Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

149. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
150. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate

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the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

152. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

153. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

154. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
155. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
156. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

157. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
158. Project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-112C-0 for commercial driveway approaches and as shown on the approved site plan, dated April 6, 2023.
159. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
160. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
161. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
162. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only

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163. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
164. Prior to issuance of a certificate of occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
165. Prior to issuance of a certificate of occupancy, all signing and striping shall be installed per current City Standards and the approved plans.
166. Prior to issuance of a certificate of occupancy, the applicant shall make a fair-share contribution to the City of Moreno Valley for the additional southbound right-turn lane at the intersection of Nason Street and Iris Avenue, as identified in the traffic analysis.
167. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
168. 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 within the project area.
169. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
170. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one shared through/right-turn lane.
171. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
172. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.

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173. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
174. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
175. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

176. This project is subject to current Development Impact Fees.

Exhibit E

Plot Plan (PEN23-0083) Conditions of Approval

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CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan (PEN23-0083)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the

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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.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The 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)
8. 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)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. To reduce single event noise impacts to below the level of 55 dBA beyond the boundaries of the property, delivery operations shall be limited to between the hours of am and pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140,)
11. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line.

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(MC9.09.080 C.6 and 9.10.140)

12. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
13. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.
14. The site has been approved for a Master Plot Plan for the development of the Cactus Avenue and Nason Street Commercial Office and Retail Development project to include approximately 89, 805 square feet of development with seven buildings. Development includes:
 - PEN21-0289, Master Plot Plan includes Office/Medical Building 3 (approximately 40,000 square feet).
 - Plot Plan PEN23-0081, Medical/Office Building 1 (approximately 16,000 square feet).
 - Plot Plan PEN23-0082, Medical/Office Building 2 (approximately 16,000 square feet).
 - Plot Plan PEN23-0083 for Pad B, a retail/restaurant building (approximately 8,000 square feet).
 - Conditional Use Permit PEN20-0110 Pad A, a fast-food restaurant with a drive-through (approximately 3,500 square feet).
 - Conditional Use Permit PEN20-0111 Pad C, a fast-food restaurant with a drive-through (approximately 2,310 square feet).
 - Conditional Use Permit PEN20-0112, for a fuel station with convenience store with beer, wine, and spirits sales.

This Master Plot Plan includes all on-site and off-site improvements with reciprocal access, per the approved plans and Municipal Code Requirements. All improvements are required with the first building. A change or modification shall require separate approval. For the Conditional Use Permits, violation(s) may result in revocation of the Conditional Use Permit.
15. One outdoor trash receptacle shall be provided shall be provided for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
16. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Prior to Grading Permit

17. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.

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18. 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)
19. 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.
20. 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)
21. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
22. 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.
23. 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]
24. Prior to the issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for the Planning Division 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.

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- d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
25. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
26. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
27. Prior to issuance of any building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
28. 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.
29. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan as submitted with the Building and Safety submittal, or as a separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color, and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
30. Prior to the issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls where required.
 - d. Drought tolerant landscape shall be used. No sod shall be installed
 - e. Street trees shall be provided every 40 feet on-center.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30)

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linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.

h. Landscaping on three sides of any trash enclosure.

i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of the first building final or certificate of any occupancy permits.

31. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
32. 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)
33. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
34. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
35. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans,

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an additional plan check fee will apply. (MC 9.08.100, 9.16.280)

36. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
39. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

40. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
41. 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.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. 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.

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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.

45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
46. 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.
47. 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.
48. 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.
49. The proposed non-residential project shall comply with the California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
50. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
51. 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)
52. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee

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Administration (CDTFA),

b) must be registered as a retailer, not consumer, of materials, and

c) have an executed contract over \$5 million to install materials at the jobsite.

The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

53. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
54. New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
55. New Moreno Valley businesses are encouraged to hire local residents.
56. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
57. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

58. All Fire Department access roads or driveways shall not exceed 12 percent grade.

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(CFC 503.2.7 and MVMC 8.36.060[G])

59. 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)
60. 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)
61. 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)
62. 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)
63. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
64. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
65. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
66. 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

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- Valley Fire Department prior to beginning construction. They shall be maintained accessible.
67. 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.
 68. 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)
 69. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 70. A fire extinguisher with a minimum rating of 3A:40BC shall be mounted in an accessible location within the cell site enclosure next to the fueled generator.
 71. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 72. 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])
 73. 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)
 74. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 75. 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

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- 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)
76. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 77. 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)
 78. 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)
 79. 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)
 80. 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)
 81. 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)
 82. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 83. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 84. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

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85. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
86. 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.
87. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Moreno Valley Utility

88. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
89. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

90. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

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PUBLIC WORKS DEPARTMENT**Land Development**

91. 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.
92. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
93. 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.
94. 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

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that all operations and activities are in conformance with these conditions.

95. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
96. 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]
97. 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)]
98. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
99. 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.
100. 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.
101. The proposed private storm drain system shall connect to the proposed underground infiltration basin on the south side of the property. 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.

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102. 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. 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. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release).
 - h. As-Built revision for all plans (prior to occupancy release).
103. 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 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 Property Owner's Association (POA).
104. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that

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sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

105. Resolution of all drainage issues shall be as approved by the City Engineer.
106. 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.
107. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
108. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
109. 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

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for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of underground infiltration basin. 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 & Safety Division.

110. 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.

111. 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.

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112. 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.
113. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
114. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
115. 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.
116. 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.

Prior to Grading Permit

117. 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)]
118. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
119. 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)]
120. 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]

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121. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.

Prior to Improvement Plan Approval

122. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
123. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
124. 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.
125. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
126. 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.
127. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
128. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

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129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. 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.
131. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

132. 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.
133. Any work performed within public right-of-way requires an encroachment permit.
134. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]

Prior to Building Permit

135. 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

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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.

136. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
137. 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).
138. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
139. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
 - (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

140. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
141. 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.

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- 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.

- 142. 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.

- 143. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

- 144. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.

- 145. Prior to occupancy, the following improvements shall be completed:
 The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East

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Hospital Road allows for necessary reconstruction work.

146. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
147. Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVS1-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVS1-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.
148. The Developer shall comply with the following water quality related items:
- Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - 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;
 - Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

149. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
150. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate

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the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

152. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

153. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

154. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
155. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
156. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

157. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
158. Project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-112C-0 for commercial driveway approaches and as shown on the approved site plan, dated April 6, 2023.
159. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
160. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
161. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
162. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only

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163. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
164. Prior to issuance of a certificate of occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
165. Prior to issuance of a certificate of occupancy, all signing and striping shall be installed per current City Standards and the approved plans.
166. Prior to issuance of a certificate of occupancy, the applicant shall make a fair-share contribution to the City of Moreno Valley for the additional southbound right-turn lane at the intersection of Nason Street and Iris Avenue, as identified in the traffic analysis.
167. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVS1-164A, B, C-0.
168. 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 within the project area.
169. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
170. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one shared through/right-turn lane.
171. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
172. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.

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173. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
174. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
175. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

176. This project is subject to current Development Impact Fees.

Exhibit F

Conditional Use Permit (PEN20-0110) Conditions of Approval

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0110)

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CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan (PEN20-0110)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0110)

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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.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The 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)
8. 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)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. To reduce single event noise impacts to below the level of 55 dBA beyond the boundaries of the property, delivery operations shall be limited to between the hours of am and pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140,)
11. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0110)

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(MC9.09.080 C.6 and 9.10.140)

12. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
13. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.
14. The site has been approved for a Master Plot Plan for the development of the Cactus Avenue and Nason Street Commercial Office and Retail Development project to include approximately 89, 805 square feet of development with seven buildings. Development includes:
 - PEN21-0289, Master Plot Plan includes Office/Medical Building 3 (approximately 40,000 square feet).
 - Plot Plan PEN23-0081, Medical/Office Building 1 (approximately 16,000 square feet).
 - Plot Plan PEN23-0082, Medical/Office Building 2 (approximately 16,000 square feet).
 - Plot Plan PEN23-0083 for Pad B, a retail/restaurant building (approximately 8,000 square feet).
 - Conditional Use Permit PEN20-0110 Pad A, a fast-food restaurant with a drive-through (approximately 3,500 square feet).
 - Conditional Use Permit PEN20-0111 Pad C, a fast-food restaurant with a drive-through (approximately 2,310 square feet).
 - Conditional Use Permit PEN20-0112, for a fuel station with convenience store with beer, wine, and spirits sales.

This Master Plot Plan includes all on-site and off-site improvements with reciprocal access, per the approved plans and Municipal Code Requirements. All improvements are required with the first building. A change or modification shall require separate approval. For the Conditional Use Permits, violation(s) may result in revocation of the Conditional Use Permit.
15. One outdoor trash receptacle shall be provided shall be provided for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
16. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Prior to Grading Permit

17. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.

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18. 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)
19. 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.
20. 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)
21. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
22. 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.
23. 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]
24. Prior to the issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for the Planning Division 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.

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Plot Plan (PEN20-0110)

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- d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
25. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
26. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
27. Prior to issuance of any building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
28. 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.
29. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan as submitted with the Building and Safety submittal, or as a separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color, and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
30. Prior to the issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls where required.
 - d. Drought tolerant landscape shall be used. No sod shall be installed
 - e. Street trees shall be provided every 40 feet on-center.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30)

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linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.

h. Landscaping on three sides of any trash enclosure.

i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of the first building final or certificate of any occupancy permits.

31. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
32. 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)
33. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
34. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
35. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans,

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an additional plan check fee will apply. (MC 9.08.100, 9.16.280)

36. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
39. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

40. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
41. 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.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. 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.

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- 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.
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 46. 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.
 47. 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.
 48. 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.
 49. The proposed non-residential project shall comply with the California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
 50. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
 51. 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)
 52. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee

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Administration (CDTFA),

b) must be registered as a retailer, not consumer, of materials, and

c) have an executed contract over \$5 million to install materials at the jobsite.

The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

53. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
54. New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
55. New Moreno Valley businesses are encouraged to hire local residents.
56. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
57. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

58. All Fire Department access roads or driveways shall not exceed 12 percent grade.

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(CFC 503.2.7 and MVMC 8.36.060[G])

59. 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)
60. 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)
61. 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)
62. 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)
63. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
64. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
65. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
66. 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

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Plot Plan (PEN20-0110)

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- Valley Fire Department prior to beginning construction. They shall be maintained accessible.
67. 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.
 68. 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)
 69. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 70. A fire extinguisher with a minimum rating of 3A:40BC shall be mounted in an accessible location within the cell site enclosure next to the fueled generator.
 71. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 72. 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])
 73. 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)
 74. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 75. 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

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0110)

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- 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)
76. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 77. 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)
 78. 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)
 79. 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)
 80. 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)
 81. 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)
 82. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 83. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 84. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0110)

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85. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
86. 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.
87. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Moreno Valley Utility

88. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
89. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

90. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

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PUBLIC WORKS DEPARTMENT**Land Development**

91. 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.
92. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
93. 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.
94. 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

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that all operations and activities are in conformance with these conditions.

95. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
96. 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]
97. 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)]
98. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
99. 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.
100. 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.
101. The proposed private storm drain system shall connect to the proposed underground infiltration basin on the south side of the property. 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.

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102. 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. 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. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release).
 - h. As-Built revision for all plans (prior to occupancy release).
103. 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 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 Property Owner's Association (POA).
104. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that

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sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

105. Resolution of all drainage issues shall be as approved by the City Engineer.
106. 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.
107. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
108. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
109. 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

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for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of underground infiltration basin. 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 & Safety Division.

110. 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.

111. 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.

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112. 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.
113. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
114. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
115. 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.
116. 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.

Prior to Grading Permit

117. 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)]
118. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
119. 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)]
120. 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]

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121. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.

Prior to Improvement Plan Approval

122. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
123. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
124. 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.
125. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
126. 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.
127. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
128. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

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129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. 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.
131. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

132. 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.
133. Any work performed within public right-of-way requires an encroachment permit.
134. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]

Prior to Building Permit

135. 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

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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.

136. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
137. 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).
138. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
139. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
 - (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

140. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
141. 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.

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- 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.

- 142. 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.

- 143. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

- 144. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.

- 145. Prior to occupancy, the following improvements shall be completed:
 The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East

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Hospital Road allows for necessary reconstruction work.

146. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
147. Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVSI-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.
148. The Developer shall comply with the following water quality related items:
- Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - 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;
 - Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

149. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
150. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate

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the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

152. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

153. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

154. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
155. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
156. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

157. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
158. Project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-112C-0 for commercial driveway approaches and as shown on the approved site plan, dated April 6, 2023.
159. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
160. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
161. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
162. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only

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163. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
164. Prior to issuance of a certificate of occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
165. Prior to issuance of a certificate of occupancy, all signing and striping shall be installed per current City Standards and the approved plans.
166. Prior to issuance of a certificate of occupancy, the applicant shall make a fair-share contribution to the City of Moreno Valley for the additional southbound right-turn lane at the intersection of Nason Street and Iris Avenue, as identified in the traffic analysis.
167. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
168. 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 within the project area.
169. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
170. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one shared through/right-turn lane.
171. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
172. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.

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173. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
174. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
175. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

176. This project is subject to current Development Impact Fees.

Exhibit G

Conditional Use Permit (PEN20-0111) Conditions of Approval

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CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Conditional Use Permit
(PEN20-0111)

EFFECTIVE DATE:
EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the

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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.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The 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)
8. 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)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. To reduce single event noise impacts to below the level of 55 dBA beyond the boundaries of the property, delivery operations shall be limited to between the hours of am and pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140,)
11. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line.

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(MC9.09.080 C.6 and 9.10.140)

12. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
13. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.
14. The site has been approved for a Master Plot Plan for the development of the Cactus Avenue and Nason Street Commercial Office and Retail Development project to include approximately 89, 805 square feet of development with seven buildings. Development includes:
 - PEN21-0289, Master Plot Plan includes Office/Medical Building 3 (approximately 40,000 square feet).
 - Plot Plan PEN23-0081, Medical/Office Building 1 (approximately 16,000 square feet).
 - Plot Plan PEN23-0082, Medical/Office Building 2 (approximately 16,000 square feet).
 - Plot Plan PEN23-0083 for Pad B, a retail/restaurant building (approximately 8,000 square feet).
 - Conditional Use Permit PEN20-0110 Pad A, a fast-food restaurant with a drive-through (approximately 3,500 square feet).
 - Conditional Use Permit PEN20-0111 Pad C, a fast-food restaurant with a drive-through (approximately 2,310 square feet).
 - Conditional Use Permit PEN20-0112, for a fuel station with convenience store with beer, wine, and spirits sales.

This Master Plot Plan includes all on-site and off-site improvements with reciprocal access, per the approved plans and Municipal Code Requirements. All improvements are required with the first building. A change or modification shall require separate approval. For the Conditional Use Permits, violation(s) may result in revocation of the Conditional Use Permit.
15. One outdoor trash receptacle shall be provided shall be provided for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
16. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Prior to Grading Permit

17. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.

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18. 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)
19. 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.
20. 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)
21. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
22. 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.
23. 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]
24. Prior to the issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for the Planning Division 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.

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- d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
25. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
26. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
27. Prior to issuance of any building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
28. 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.
29. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan as submitted with the Building and Safety submittal, or as a separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color, and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
30. Prior to the issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls where required.
 - d. Drought tolerant landscape shall be used. No sod shall be installed
 - e. Street trees shall be provided every 40 feet on-center.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30)

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linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.

h. Landscaping on three sides of any trash enclosure.

i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of the first building final or certificate of any occupancy permits.

31. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
32. 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)
33. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
34. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
35. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans,

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an additional plan check fee will apply. (MC 9.08.100, 9.16.280)

36. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
39. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

40. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
41. 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.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. 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.

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- 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.
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 46. 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.
 47. 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.
 48. 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.
 49. The proposed non-residential project shall comply with the California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
 50. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
 51. 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)
 52. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee

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Administration (CDTFA),

b) must be registered as a retailer, not consumer, of materials, and

c) have an executed contract over \$5 million to install materials at the jobsite.

The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

53. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
54. New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
55. New Moreno Valley businesses are encouraged to hire local residents.
56. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
57. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

58. All Fire Department access roads or driveways shall not exceed 12 percent grade.

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(CFC 503.2.7 and MVMC 8.36.060[G])

59. 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)
60. 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)
61. 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)
62. 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)
63. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
64. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
65. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
66. 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

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- Valley Fire Department prior to beginning construction. They shall be maintained accessible.
67. 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.
 68. 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)
 69. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 70. A fire extinguisher with a minimum rating of 3A:40BC shall be mounted in an accessible location within the cell site enclosure next to the fueled generator.
 71. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 72. 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])
 73. 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)
 74. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 75. 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

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- 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)
76. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 77. 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)
 78. 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)
 79. 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)
 80. 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)
 81. 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)
 82. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 83. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 84. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

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85. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
86. 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.
87. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Moreno Valley Utility

88. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
89. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

90. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

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PUBLIC WORKS DEPARTMENT**Land Development**

91. 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.
92. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
93. 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.
94. 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

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that all operations and activities are in conformance with these conditions.

95. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
96. 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]
97. 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)]
98. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
99. 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.
100. 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.
101. The proposed private storm drain system shall connect to the proposed underground infiltration basin on the south side of the property. 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.

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102. 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. 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. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release).
 - h. As-Built revision for all plans (prior to occupancy release).
103. 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 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 Property Owner's Association (POA).
104. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that

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sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

105. Resolution of all drainage issues shall be as approved by the City Engineer.
106. 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.
107. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
108. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
109. 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

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for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of underground infiltration basin. 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 & Safety Division.

110. 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.

111. 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.

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112. 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.
113. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
114. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
115. 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.
116. 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.

Prior to Grading Permit

117. 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)]
118. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
119. 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)]
120. 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]

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121. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.

Prior to Improvement Plan Approval

122. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
123. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
124. 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.
125. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
126. 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.
127. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
128. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

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129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. 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.
131. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

132. 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.
133. Any work performed within public right-of-way requires an encroachment permit.
134. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]

Prior to Building Permit

135. 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

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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.

136. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
137. 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).
138. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
139. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
 - (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

140. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
141. 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.

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- 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.

- 142. 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.

- 143. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

- 144. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.

- 145. Prior to occupancy, the following improvements shall be completed:
 The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East

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Hospital Road allows for necessary reconstruction work.

146. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
147. Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVSI-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.
148. The Developer shall comply with the following water quality related items:
- Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - 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;
 - Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

149. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
150. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate

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the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

152. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

153. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

154. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
155. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
156. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

157. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
158. Project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-112C-0 for commercial driveway approaches and as shown on the approved site plan, dated April 6, 2023.
159. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
160. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
161. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
162. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only

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163. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
164. Prior to issuance of a certificate of occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
165. Prior to issuance of a certificate of occupancy, all signing and striping shall be installed per current City Standards and the approved plans.
166. Prior to issuance of a certificate of occupancy, the applicant shall make a fair-share contribution to the City of Moreno Valley for the additional southbound right-turn lane at the intersection of Nason Street and Iris Avenue, as identified in the traffic analysis.
167. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
168. 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 within the project area.
169. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
170. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one shared through/right-turn lane.
171. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
172. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.

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173. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
174. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
175. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

176. This project is subject to current Development Impact Fees.

Exhibit H

Conditional Use Permit (PEN20-0112), Conditions of Approval

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Conditional Use Permit
(PEN20-0112)
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CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Conditional Use Permit
(PEN20-0112)

EFFECTIVE DATE:
EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the

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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.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The 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)
8. 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)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. To reduce single event noise impacts to below the level of 55 dBA beyond the boundaries of the property, delivery operations shall be limited to between the hours of am and pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140,)
11. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line.

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(MC9.09.080 C.6 and 9.10.140)

12. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
13. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.
14. The site has been approved for a Master Plot Plan for the development of the Cactus Avenue and Nason Street Commercial Office and Retail Development project to include approximately 89, 805 square feet of development with seven buildings. Development includes:
 - PEN21-0289, Master Plot Plan includes Office/Medical Building 3 (approximately 40,000 square feet).
 - Plot Plan PEN23-0081, Medical/Office Building 1 (approximately 16,000 square feet).
 - Plot Plan PEN23-0082, Medical/Office Building 2 (approximately 16,000 square feet).
 - Plot Plan PEN23-0083 for Pad B, a retail/restaurant building (approximately 8,000 square feet).
 - Conditional Use Permit PEN20-0110 Pad A, a fast-food restaurant with a drive-through (approximately 3,500 square feet).
 - Conditional Use Permit PEN20-0111 Pad C, a fast-food restaurant with a drive-through (approximately 2,310 square feet).
 - Conditional Use Permit PEN20-0112, for a fuel station with convenience store w/ beer, wine, and spirits sales.

This Master Plot Plan includes all on-site and off-site improvements with reciprocal access, per the approved plans and Municipal Code Requirements. All improvements are required with the first building. A change or modification shall require separate approval. For the Conditional Use Permits, violation(s) may result in revocation of the Conditional Use Permit.
15. One outdoor trash receptacle shall be provided shall be provided for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
16. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Prior to Grading Permit

17. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.

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18. 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)
19. 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.
20. 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)
21. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
22. 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.
23. 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]
24. Prior to the issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for the Planning Division 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.

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- d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
25. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
26. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
27. Prior to issuance of any building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
28. 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.
29. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan as submitted with the Building and Safety submittal, or as a separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color, and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
30. Prior to the issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls where required.
 - d. Drought tolerant landscape shall be used. No sod shall be installed
 - e. Street trees shall be provided every 40 feet on-center.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30)

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linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.

h. Landscaping on three sides of any trash enclosure.

i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of the first building final or certificate of any occupancy permits.

31. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
32. 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)
33. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
34. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
35. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans,

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an additional plan check fee will apply. (MC 9.08.100, 9.16.280)

36. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
39. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

40. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
41. 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.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. 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.

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- 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.
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 46. 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.
 47. 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.
 48. 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.
 49. The proposed non-residential project shall comply with the California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
 50. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
 51. 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)
 52. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee

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Administration (CDTFA),

b) must be registered as a retailer, not consumer, of materials, and

c) have an executed contract over \$5 million to install materials at the jobsite.

The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

53. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
54. New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
55. New Moreno Valley businesses are encouraged to hire local residents.
56. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
57. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

58. All Fire Department access roads or driveways shall not exceed 12 percent grade.

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(CFC 503.2.7 and MVMC 8.36.060[G])

59. 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)
60. 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)
61. 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)
62. 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)
63. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
64. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
65. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
66. 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

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- Valley Fire Department prior to beginning construction. They shall be maintained accessible.
67. 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.
 68. 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)
 69. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 70. A fire extinguisher with a minimum rating of 3A:40BC shall be mounted in an accessible location within the cell site enclosure next to the fueled generator.
 71. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 72. 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])
 73. 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)
 74. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 75. 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

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- 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)
76. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 77. 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)
 78. 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)
 79. 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)
 80. 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)
 81. 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)
 82. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 83. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 84. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

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85. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
86. 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.
87. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Moreno Valley Utility

88. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
89. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

90. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

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PUBLIC WORKS DEPARTMENT**Land Development**

91. 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.
92. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
93. 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.
94. 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

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that all operations and activities are in conformance with these conditions.

95. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
96. 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]
97. 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)]
98. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
99. 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.
100. 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.
101. The proposed private storm drain system shall connect to the proposed underground infiltration basin on the south side of the property. 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.

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102. 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. 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. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release).
 - h. As-Built revision for all plans (prior to occupancy release).
103. 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 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 Property Owner's Association (POA).
104. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that

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sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

105. Resolution of all drainage issues shall be as approved by the City Engineer.
106. 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.
107. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
108. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
109. 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

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for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of underground infiltration basin. 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 & Safety Division.

110. 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.

111. 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.

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112. 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.
113. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
114. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
115. 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.
116. 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.

Prior to Grading Permit

117. 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)]
118. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
119. 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)]
120. 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]

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121. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.

Prior to Improvement Plan Approval

122. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
123. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
124. 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.
125. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
126. 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.
127. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
128. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

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129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. 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.
131. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

132. 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.
133. Any work performed within public right-of-way requires an encroachment permit.
134. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]

Prior to Building Permit

135. 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

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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.

136. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
137. 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).
138. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
139. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
 - (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

140. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
141. 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.

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- 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.

- 142. 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.

- 143. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

- 144. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVS1-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVS1-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.

- 145. Prior to occupancy, the following improvements shall be completed:
 The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East

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Hospital Road allows for necessary reconstruction work.

146. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
147. Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVSI-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.
148. The Developer shall comply with the following water quality related items:
- Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - 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;
 - Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

149. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
150. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate

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the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

152. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

153. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

154. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
155. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
156. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

157. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
158. Project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-112C-0 for commercial driveway approaches and as shown on the approved site plan, dated April 6, 2023.
159. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
160. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
161. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
162. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only

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163. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
164. Prior to issuance of a certificate of occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
165. Prior to issuance of a certificate of occupancy, all signing and striping shall be installed per current City Standards and the approved plans.
166. Prior to issuance of a certificate of occupancy, the applicant shall make a fair-share contribution to the City of Moreno Valley for the additional southbound right-turn lane at the intersection of Nason Street and Iris Avenue, as identified in the traffic analysis.
167. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
168. 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 within the project area.
169. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
170. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one shared through/right-turn lane.
171. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
172. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.

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173. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
174. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
175. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

176. This project is subject to current Development Impact Fees.

RESOLUTION NUMBER 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AFFIRMING THE PLANNING COMMISSION'S CERTIFICATION AND APPROVAL OF THE PROPOSED PROJECT'S INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM

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

WHEREAS, Winchester Associates for MV Cactus 9 ("Applicant") has submitted applications for a Master Plot Plan (PEN21-0289), Plot Plans (PEN23-0081, PEN23-0082, and PEN23-0083), Conditional Use Permits (PEN20-0110, PEN20-0111, and PEN20-0112), and Tentative Parcel Map No. 37942 (PEN21-0288) for an approximately 8.4-acre commercial center with associated public improvements (collectively, "the Proposed Project" or "Project Entitlements") located on the northeast corner of Cactus Avenue and Nason Street (APN: 486-290-038) ("Project Site"); and

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

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration was duly noticed and circulated for public review for a period of 20 days commencing on June 14, 2023, through July 5, 2023; and

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

WHEREAS, on July 13, 2023, a duly noticed public hearing was conducted by the Planning Commission to consider the Proposed Project's MND and MMRP and approval of the Proposed Project; and

WHEREAS, at the conclusion of the public hearing, in the exercise of its own independent judgment, the Planning Commission determined that the MND and the MMRP prepared for the Proposed Project has reduced the potential impact of the Proposed Project to levels of insignificance and found that there is no substantial

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

evidence supporting a fair argument that the Proposed Project will significantly affect the environment in a manner that otherwise would require the preparation and certification of an Environmental Impact Report; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission approved each Project Entitlement based on the necessary findings, as set forth in the Moreno Valley Municipal Code, that must be made in order to approve each of the Project Entitlements; and

WHEREAS, on July 24, 2023, Ibet Ruiz (“Appellant”) (PAA23-0007) appealed the Planning Commission’s decision based on 1) contamination, 2) gas spillage, 3) lower home values, and 4) crime; and

WHEREAS, on September 5, 2023, a duly noticed appeal hearing was conducted by the City Council regarding the above issues raised by Appellant.

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

Section 1. Recitals and Exhibits

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

Section 2. Evidence

That the City Council has considered all of the evidence submitted into the Administrative Record for APPEAL (PAA23-0007), including, but not limited to, the following:

- (a) Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the Proposed Project, attached hereto as Exhibit A;
- (b) Notice of Intent to Adopt a Mitigated Negative Declaration, attached hereto as Exhibit B;
- (c) Staff Report prepared for the Planning Commission’s consideration and all documents, records, and references related thereto, and Staff’s presentation at the public hearing;
- (d) Testimony, comments, and correspondence from all persons that were provided at, or prior to, the July 13, 2023, Planning Commission public hearing;
- (e) Appeal PAA23-0007;
- (f) Staff Report prepared for the City Council’s consideration and all documents, records, and references related thereto, and Staff’s presentation at the appeal hearing; and
- (g) Testimony, comments, and correspondence from all persons that were provided at, or prior to, the City Council September 5, 2023, appeal hearing; and

(h) Proposed conditions of approval set forth in the Proposed Project entitlements.

Section 3. Findings

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

- (a) That the MND and MMRP have been completed in compliance with CEQA and the CEQA Guidelines consistent with the City's Rules and Procedures for the Implementation of the California Environmental Quality Act;
- (b) That the MND and MMRP are adequate to serve as the required CEQA environmental documentation for the Proposed Project;
- (c) That the Planning Commission properly determined that all environmental impacts of the Proposed Project, with the mitigation measures set forth in the MMRP, have been reduced to levels of insignificance and there is no substantial evidence supporting a fair argument that the Proposed Project will have a significant effect on the environment that would otherwise require the preparation and certification of an Environmental Impact Report;
- (d) That the MND and MMRP reflect both the independent judgment and analysis of the Planning Commission, the City Council and the City as Lead Agency.

Section 4. Denial of Appeal

That based on the foregoing Recitals, Evidence and Findings, as set forth herein, the City Council hereby denies Appeal, PAA23-0007, affirming the Planning Commission's certification and approval of the Proposed Project's Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

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

PASSED AND ADOPTED THIS 5th day of September 2023, by the City Council of the City of Moreno Valley.

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

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

Attachment: Resolution No. 2023-XX CEQA [Revision 1] (6364 : Appeal of Planning Commission approval of the Cactus Ave/Nason St

Exhibit B

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

**CITY OF MORENO VALLEY
NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION**

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

Project: Master Plot Plan (PEN21-0289)
Tentative Parcel Map (PEN21-0288)
Conditional Use Permits (PEN20-0110, PEN20-0111, and PEN20-0112)

Applicant: Daniel Slawson, Winchester Associates, Inc.

Property Owners: MV Cactus 9, LLC.

APN: 486-290-038

Location: Northeast corner of Cactus Avenue and Nason Street

Proposal: The applicant is requesting approval of the following entitlements: 1) Master Plot Plan (PEN21-0289), 2) Tentative Parcel Map No. 37942 (PEN21-0288), and 3) three Conditional Use Permits (PEN20-0110-0112) for the development of a commercial office and retail development with seven (7) buildings on approximately 8.4 acres in the Downtown Center (DC) Zoning District.

Council District: 3

This Notice of Intent (NOI) has been prepared to notify agencies and interested parties that the City of Moreno Valley as the Lead Agency has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the requirements of the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with construction and operation of the project as described below.

Project Description: The Cactus Avenue and Nason Street Commercial Office and Retail Development Project would construct approximately 89,805 square feet of commercial retail/office space on approximately 8.4 acres located on the northeast corner of Nason Street and Cactus Avenue. The proposed project includes seven (7) buildings consisting of three (3) mixed-use medical/office buildings; two (2) drive-through food services buildings; one (1) retail/restaurant building; one (1) convenience store with fuel service; and associated parking lots with on-site and off-site improvements.

The project site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Document Availability: The IS/MND 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 June 14, 2023 and ends July 5, 2023. 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 July 5, 2023. Written comments on the Initial Study/Mitigated Negative Declaration should be addressed to:

James Troyer, Case Planner
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552 Phone: (951) 413-3206
Email: planningnotices@moval.org

Press-Enterprise

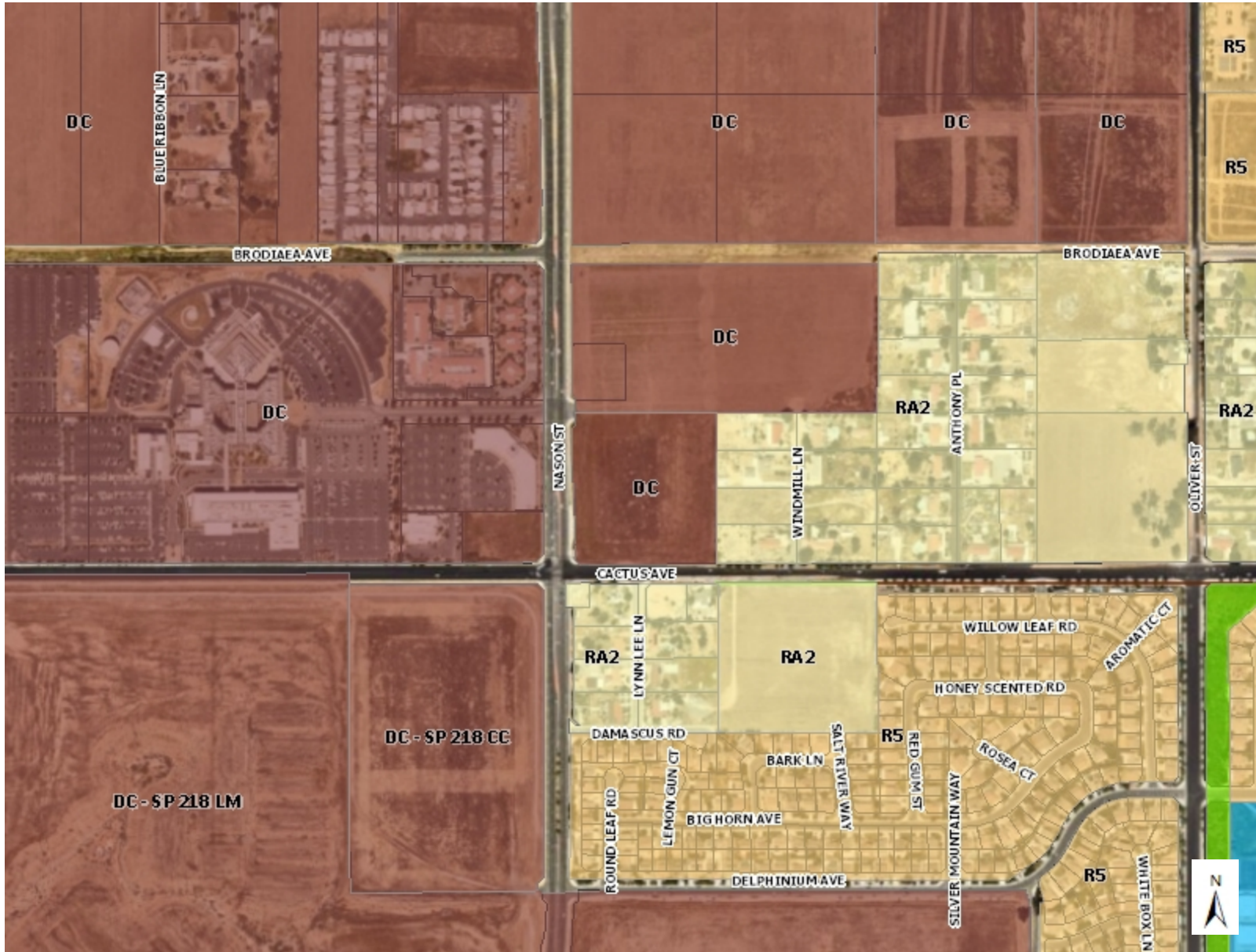
June 14, 2023

Sean Kelleher
Acting Community Development Director
Community Development Department

Newspaper

Date of Publication

Zoning Map - DC



Legend

Zoning

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

Master Plan of Trails

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

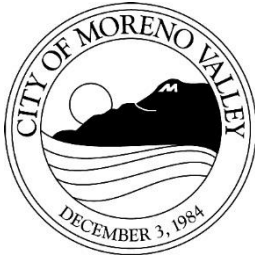
Road Labels

- Parcels
- Image Source: Nearmap

Notes:

1,261.9 0 630.96 1,261.9 Feet

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.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: July 13, 2023

A PROPOSAL FOR THE DEVELOPMENT OF A COMMERCIAL OFFICE AND RETAIL DEVELOPMENT WITH SEVEN (7) BUILDINGS

Case: Master Plot Plan (PEN21-0289)
 Plot Plans (PEN23-0081, PEN23-0082, and PEN23-0083)
 Conditional Use Permits (PEN20-0110, PEN20-0111, and PEN03-0112)
 Tentative Parcel Map No, 37942(PEN21-0288)

Applicant: Winchester Associates

Property Owner: MV Cactus 9

Project Site: Northeast Corner of Nason Street and Cactus Avenue (486-290-038)

Case Planner: James Troyer, Contract Planner

Council District: 3

Proposed Project: The applicant is requesting approval of a commercial office and retail development with seven (7) buildings on approximately 8.4 acres.

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

SUMMARY

Winchester Associates for MV CACTUS 9 (“Applicant”) has submitted applications for approval of a Master Plot Plan (PEN21-0289) and Tentative Parcel Map (PEN21-0288); The Proposed Project includes the following: a 6-pump gas station with an approximate 3,995 square foot convenience store (PEN20-0112); two (2) drive-thru food pads, Pad A (PEN20-0110) and Pad C (PEN20-0111) totaling approximately 5,810 square feet; an

approximately 8,000 square foot retail/restaurant, Pad B (PEN23-0083); two (2) medical/office buildings, Med/Office Building No. 1 (PEN23-0081) and Med/Office Building No. 2 (PEN23-0082) totaling approximately 32,000 square feet; and one (1) commercial/office building totaling approximately 40,000 square feet, Comm/Office Building No. 3 (PEN21-0289) with associated parking lots, landscaping and on and off-site improvements. The project is located on the northeast corner of Nason Street and Cactus Avenue (Project Site). The General Plan and the Zoning Designation is Downtown Center (DC). The Proposed Project, as designed and conditioned, is consistent with the goals, policies, and objectives of the City's General Plan, as well as the requirements of the Downtown Center (DC) District and the City's Municipal Code.

PROJECT DESCRIPTION

Proposed Project

Tentative Parcel Map

Tentative Parcel Map No. 37942 (PEN21-0288) proposes to subdivide one (1) existing parcel (APN: 486-290-038) into seven (7) parcels to allow for the sale/leasing of the proposed buildings.

The Downtown Center (DC) District Municipal Code development standards require that new parcels be a minimum size of 10,000 square feet and have a minimum lot depth of 100 and width of 100 feet. All seven (7) proposed lots exceed the minimum requirements.

Master Plot Plan

The Proposed Project consists of a Master Plot Plan application for the development of an 8.4-acre Commercial Center with seven (7) buildings totaling approximately 89,805 square feet. The proposed commercial/retail/office center includes a 6-pump gas station with a 3,995 square foot convenience store; two (2) drive-thru food pads totaling 5,810 square feet; one (1) commercial/office building totaling 40,000 square feet; and two (2) medical/office buildings totaling 32,000 square feet, along with associated parking, landscaping, and off-site improvements.

All on-site and off-site improvements are conditioned to be completed with the first building, including all landscaping.

Plot Plans

The Proposed Project consists of three (3) Plot Plans: PEN23-0081 and PEN23-0082 for two medical office buildings (16,000 square feet each); PEN23-0083 for a retail building (8,000 square feet).

Conditional Use Permits

The Proposed Project consists of three (3) Conditional Use Permits: PEN20-0110 for a drive-thru restaurant (3,500 square feet), PEN20-0110 for a second drive-thru

restaurant (2,310 square feet), and PEN03-0112 for a fuel station with a convenience store with beer, wine, and spirits sales.

The City's Municipal Code allows for auto service stations and restaurants with drive-throughs within the Downtown Center (DC) District, subject to the approval of a CUP.

A CUP allows the City to impose special development requirements to ensure that certain uses will not be detrimental to the Proposed Project's surrounding properties. A CUP also allows the City to ensure that conditionally permitted uses are compatible with existing land uses.

The following summarizes the Project's design elements that are intended to minimize impacts on the residential districts to the east and south:

- A. Perimeter landscape parkways, fences, and screening tree rows along the site's property lines.
- B. A six-foot decorative block wall along the east property line.

The Proposed Project as designed and conditioned satisfies all requirements of the General Plan and the Municipal Code.

Site and Surrounding Area

The Project Site is relatively flat vacant land located on the northeast corner of Cactus Avenue and Nason Street within the Downtown Center (DC) District. The property directly to the north of the Project Site is also vacant within the Downtown Center (DC) District. Existing single-family homes are located directly east and south with a zoning of Residential Agricultural 2 (RA2) District. Directly west is a medical building and a vacant lot adjacent to the Riverside University Health System Medical Center, also within the Downtown Center (DC) District.

Access/Parking

Proposed Project access is from three (3) new driveways: two (2) on Cactus Avenue and one (1) on Nason Street. Driveways are right-in and right-out except for one (1) full-access driveway on Cactus Avenue. The north driveway on Nason Street is currently signalized and will allow for inbound movements only per the project design.

The Project, as designed, will incorporate reciprocal access and parking. The Proposed Project includes a total of 442 parking spaces, consistent with Municipal Code requirements.

Design/Landscaping

The Proposed Project includes four (4) approximately 28-foot tall one-story commercial buildings, one (1) approximately 47-foot tall, 3-story commercial/office building, and two (2) approximately 35-foot tall 2-story medical/office buildings. The proposed Building elevations present a modern-influenced architectural style. The exterior finishes include

a combination of stucco and plaster finishes in earth-tone colors, brick veneer, metal trim, metal awnings, and spandrel glass. Tower elements and various wall finishes with different wall planes break up the massing and add focal points to the buildings.

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

The landscape elements of the Proposed Project will include the landscape setback along Nason Street and Cactus Avenue to include street trees and shrubs, with on-site trees and shrubs in the internal site and parking lot landscape areas designed per the Landscape Requirements.

REVIEW PROCESS

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

ENVIRONMENTAL

An Initial Study was prepared by ECORP Consulting Services, Inc. in compliance with the California Environmental Quality Act (CEQA) and its guidelines. The Initial Study examined the potential impacts of the Proposed Project on the environment. The Initial Study/Mitigated Negative Declaration (IS/MND) serves as the appropriate CEQA documentation for the Proposed Project. With the implementation of the proposed mitigation measures, the Proposed Project will have a less than significant effect on the environment. Technical studies prepared in support of the IS/MND include the following: Air Quality Impact Analysis, Biological Resources Assessment, Cultural Resource Report, Noise Impact Assessment, a Phase I Environmental Site Assessment, and a Traffic Report Addendum. Copies of the appendices to the IS/MND can be accessed from the link attached to this staff report. The documents can be reviewed at City Hall during operating hours.

Mitigation measures are recommended for the Proposed Project in the following areas: Biological Resources, Cultural and Tribal Cultural Resources, Geology and Soils, Noise, and Transportation, all of which are incorporated into 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 resources that might be discovered are protected. However, these measures are not required to address a known significant impact. Based on the Initial Study and with the implementation of the proposed mitigation measures, the Proposed Project will not cause any significant impacts to the environment.

The public comment period for the Notice of Availability of the Initial Study/Mitigated Negative Declaration began on June 14, 2023, and ended on July 5, 2023, (State Clearing House Number 2023050246) which satisfies the required 20-day review period

required for this project. As of the preparation of this staff report, no comments have been received. Written comments received after the preparation of this staff report will be provided at the public hearing.

NOTIFICATION

Consistent with the City Municipal Code provisions, public notice was sent to all property owners of record within 600 feet of the Project Site, posted on the Project Site, and published in the Press Enterprise Newspaper. As of the preparation of this staff report, no public comments have been received regarding the proposed project.

REVIEW AGENCY COMMENTS

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

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

- A. **ADOPT** Resolution No. 2023-32, attached hereto, and thereby:
1. **ADOPTING** the Initial Study/Mitigated Negative Declaration prepared for Master Plot Plan (PEN21-0289), Plot Plans (PEN23-0081, PEN23-0082, and PEN23-0083), Conditional Use Permits (PEN20-0110, PEN20-0111, and PEN20-0112), and Tentative Parcel Map No. 37942 (PEN21-0288), on file with the Community Development Department, incorporated herein by this reference, which was completed in compliance with CEQA and the CEQA Guidelines, and reflects that the Planning Commission reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration, and exercised its independent judgment and analysis of the proposed Project's potential environmental impacts; and
 2. **ADOPTING** the Mitigation Monitoring and Reporting Program prepared for the Project, which consists of Master Plot Plan (PEN21-0289), Plot Plans (PEN23-0081, PEN23-0082, and PEN23-0083), Conditional Use Permits (PEN20-0110, PEN20-0111, and PEN20-0112), and Tentative Parcel Map No. 37942 (PEN21-0288), pursuant to CEQA and the CEQA Guidelines.
- B. **ADOPT** Resolution No. 2023-33 attached hereto, and thereby:
1. **APPROVING** Master Plot Plan (PEN21-0289), Plot Plans (PEN23-0081, PEN23-0082, and PEN23-0083), Conditional Use Permits (PEN20-0110, PEN20-0111, and PEN20-0112), and Tentative Parcel Map No. 37942 (PEN21-0288), based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2023-33.

Prepared by:
Julia Descoteaux
Associate Planner

Approved by:
Sean P. Kelleher
Acting Community Development Director

ATTACHMENTS

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

1. Resolution No. 2023-32 IS/MND/MMRP
2. Exhibit A to Resolution No. 2023-32
3. Appendix A - Air Quality GHG Energy
4. Appendix B - Biological Technical Report with Flysheet
5. Appendix C - Cultural Resource Inventory Report with Flysheet
6. Appendix D - Noise Impact Assessment
7. Appendix E - Phase I ESA with Flysheet
8. Appendix F - Traffic Report Addendum and VMT Memo with Flysheet
9. Public Comment Letter
10. Exhibit B to Resolution No. 2023-32
11. Resolution No. 2023-33
12. Project Plans 1 of 2
13. Project Plans 2 of 2
14. Zoning Map

RESOLUTION NUMBER 2023-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR A COMMERCIAL/OFFICE CENTER INCLUDING A MASTER PLOT PLAN (PEN21-0289), PLOT PLANS (PEN23-0081, PEN23-0082, AND PEN23-0083), CONDITIONAL USE PERMITS (PEN20-0110, PEN20-0110, AND PEN20-0112, AND TENTATIVE PARCEL MAP NO. 37942 (PEN21-0288) LOCATED ON THE NORTHEAST CORNER OF CACTUS AVENUE AND NASON STREET, (APN: 486-290-038)

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

WHEREAS, Winchester Associates for MV Cactus 9 (“Applicant”) has submitted applications for a Master Plot Plan (PEN21-0289), Plot Plans (PEN23-0081, PEN23-0082, and PEN23-0083), Conditional Use Permits (PEN20-0110, PEN20-0111, and PEN20-0112), and Tentative Parcel Map No. 37942 (PEN21-0288) for an approximately 8.4-acre commercial center with associated public improvements (“Proposed Project”) located on the northeast corner of Cactus Avenue and Nason Street (APN: 486-290-038) (“Project Site”); and

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

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration was duly noticed and circulated for public review for a period of 20 days commencing on June 14, 2023, through July 5, 2023; and

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

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

WHEREAS, on July 13, 2023, a duly noticed public hearing was conducted by the Planning Commission to consider the approval of the Proposed Project's MND and MMRP and approval of the Proposed Project; and

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

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

Section 1. Recitals and Exhibits

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

Section 2. Evidence

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

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

Section 3. Findings

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

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

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

Section 4. Adoption

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

Section 5. Repeal of Conflicting Provisions

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

Section 6. Severability

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

Section 7. Effective Date

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

Section 8. Certification

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

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PASSED AND ADOPTED THIS 13TH DAY OF JULY 2023.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin DeJohnette,
Chairperson

ATTEST:

Sean P. Kelleher,
Community Development Director

APPROVED AS TO FORM:

Steven B. Quintanilla,
Interim City Attorney

Exhibits:

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

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

RESOLUTION NUMBER 2023-33

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 37942 (PEN21-0288), MASTER PLOT PLAN (PEN21-0289), PLOT PLANS (PEN23-0081, PEN23-0082, PEN23-0083), AND CONDITIONAL USE PERMITS (PEN20-0110, PEN20-0111, PEN20-0112) FOR A COMMERCIAL/OFFICE CENTER LOCATED ON THE NORTHEAST CORNER OF CACTUS AVENUE BOULEVARD AND NASON STREET, (APN: 486-290-038)

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

WHEREAS, Winchester Associates for MV Cactus 9, (“Applicant”) has submitted applications for a Tentative Parcel Map No. 37942 (PEN21-0288) to subdivide one (1) existing parcel into seven (7) parcels for a Commercial/Office Center Development on approximately 8.4 acres with associated public improvements, a Master Plot Plan PEN21-0289 for an approximately 8.4-acre Commercial Center (89,805 SF); a CUP PEN20-0112 for a 6-pump service station with an ancillary convenience store (3,995 SF); a CUP PEN20-0111 for a Fast Food Pad (2,310 SF); a CUP PEN20-0110 for a Fast Food Pad (3,500 SF); a Plot Plan PEN23-0081 medical office building #1 (16,000 SF); Plot Plan PEN23-0082 for medical office building #2 (16,000 SF); Master Plot Plan PEN21-0289 for Office Building #3 (40,000 SF) (“Proposed Project”); located at the northeast corner of Cactus Avenue and Nason Street (APN: 486-290-038) (“Project Site”); and

WHEREAS, the Proposed Project has been evaluated in accordance with Chapter 9.14 (Land Divisions) of Title 9 (Planning & Zoning), Section 9.02.070 (Plot Plan) and 9.02.060 (Conditional Use Permits) of the Municipal Code with consideration given to the City’s General Plan, Zoning Ordinance, and other applicable laws and regulations; and

WHEREAS, Chapter 9.14 (Land Division) of the Moreno Valley Municipal Code imposes conditions of approval upon projects for which a Tentative Parcel Map is required, which conditions may be imposed by the Planning Commission to address on-site improvements, off-site improvements, the manner in which the Project Site is used, and any other conditions as may be deemed necessary to protect the public health, safety, and welfare and ensure that the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

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

WHEREAS, Section 9.02.020 (Permitted Uses) provides that Auto Service Stations, Fast Food Restaurants with drive-throughs are allowed within the Downtown Center (DC) District, with a properly secured conditional use permit approved through the Planning Commission when the use is located 300 feet or less from a residential zone or use; and

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

WHEREAS, Section 9.02.060 of the Municipal Code imposes conditions of approval upon projects for which a Conditional Use Permit is required, which conditions may be imposed by the Planning Commission to address on-site improvements, off-site improvements, the manner in which the site is used, and any other conditions as may be deemed necessary to protect the public health, safety and welfare to ensure that the proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

WHEREAS, consistent with the requirements of Chapter 9.14 (Land Divisions) , Section 9.02.060 (Conditional Use Permits) and Section 9.02.070 (Plot Plan) of the Municipal Code, at the public hearing the Planning Commission considered Conditions of Approval to be imposed upon Tentative Tract Map No. 37942 (PEN21-0288), Conditional Use Permits PEN20-0110, PEN20-0111, PEN20-0112 (“CUP”), Master Plot Plan (PEN21-0289) and Plot Plans (PEN23-0081, PEN23-0082, PEN23-0083), which conditions were prepared by Planning Division staff who deemed said conditions to be necessary to protect the public health, safety, and welfare and to ensure the proposed Project will be developed in accordance with the purpose and intent of Title 9 (“Planning and Zoning”) of the Municipal Code; and

WHEREAS, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Municipal Code and Government Code Section 65905, a public hearing was scheduled for July 13, 2023, and notice thereof was duly published, posted, and mailed to all property owners of record within 600 feet of the Project Site; and

WHEREAS, on July 13, 2023, the public hearing to consider the Proposed Project was duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and present evidence; and

WHEREAS, at the public hearing, the Planning Commission considered whether each of the requisite findings specified in Section 9.14.070 of the Municipal Code and set

forth herein could be made concerning the Proposed Project as conditioned by Conditions of Approval; and

WHEREAS, on July 13, 2023, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines², the Planning Commission approved Resolution 2023-32, certifying a Mitigated Negative Declaration and approving the Mitigation Monitoring and Reporting Program for the Proposed Project.

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

Section 1. Recitals and Exhibits

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

Section 2. Notice

That pursuant to Government Code Section 66020(d)(1), notice is hereby given that the Proposed Project is subject to certain fees, dedications, reservations, and other exactions as provided herein, in the staff report and conditions of approval (collectively, "Conditions"); and these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the ninety-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun.

Section 3. Evidence

That the Planning Commission has considered all evidence submitted into the Administrative Record for the Proposed Project, including, but not limited to, the following:

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- (c) Application for Tentative Tract Map No. 37942 (PEN21-0288) including Resolution No. 2023-34, and all documents, records, and references contained therein;
- (d) Conditions of Approval for Tentative Tract Map No. 37942 (PEN21-00288), attached as Exhibit A;
- (e) Application for Master Plot Plan (PEN21-0289) and Plot Plans (PEN23-0081, PEN23-0082, PEN23-0083, including Resolution No. 2023-33 and all documents, records, and references contained therein;

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

- (f) Conditions of Approval for Master Plot Plan (PEN21-0289) and Plot Plans (PEN23-0081, PEN23-0082, PEN23-0082, attached hereto as Exhibits B, C, D, and E;
- (g) Application for the approval of Conditional Use Permits (PEN20-0110, PEN20-0111, PEN20-0112) and all documents, records, and references contained therein;
- (h) Conditions of Approval for Conditional Use Permits (PEN20-0110, PEN20-0111, PEN20-0112) attached hereto as Exhibits F, G, and H;
- (i) Staff Report prepared for the Planning Commission's consideration and all documents, records, and references related thereto, and Staff's presentation at the public hearing;
- (j) Testimony, and/or comments from Applicant and its representatives during the public hearing; and
- (k) Testimony and/or comments from all persons provided in written format or correspondence, at, or prior to, the public hearing.

Section 4. Findings

That based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, Planning Commission hereby approves the Proposed Project subject to the following findings:

- (a) The Proposed land division is consistent with applicable General and Specific Plans;
- (b) The proposed project complies with all applicable zoning and other regulations;
- (c) The proposed project will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;
- (d) The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity;
- (e) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- (f) That the Project Site is physically suitable for the type of development;
- (g) That the Project Site of the proposed land division is physically suitable for the proposed density of the development;
- (h) 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;
- (i) That the design of the subdivision or type of improvements is not likely to cause serious public health problems;
- (j) 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;
- (k) That the requirements of CEQA have been satisfied;
- (l) That the proposed land division is not subject to the Williamson Act pursuant to the California Land Conservation Act of 1965;

- (m) That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the city;
- (n) 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
- (o) That the effect of the Proposed Project on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

Section 5. Approval

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings, as set forth herein, the Planning Commission hereby approves the Proposed Project subject to the Conditions of Approval for Tentative Parcel Map No. 37942 (PEN21-0188), attached hereto and Exhibit A, Master Plot Plan (PEN21-0289) and Plot Plans (PEN23-0081, PEN23-0082, PEN23-0083, attached hereto as Exhibits B, C, D, and E. and Conditions of Approval for Conditional Use Permits PEN20-0110, PEN20-0111, PEN20-0112, attached hereto as Exhibits F, G, and H.

Section 6. Repeal of Conflicting Provisions

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

Section 7. Severability

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

Section 8. Effective Date

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

Section 9. Certification

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

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PASSED AND ADOPTED THIS 13th day of July 2023.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin DeJohnette, Chairperson

ATTEST:

Sean P. Kelleher,
Acting Community Development Director

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Exhibits:

- Exhibit A: Tentative Tract Map No. 37942 (PEN21-0289) Conditions of Approval
- Exhibit B: Master Plot Plan (PEN21-0289) Conditions of Approval
- Exhibit C: Plot Plan (PEN23-0081) Conditions of Approval
- Exhibit D: Plot Plan (PEN23-0082) Conditions of Approval
- Exhibit E: Plot Plan (PEN23-0083) Conditions of Approval
- Exhibit F: Conditional Use Permit (PEN20-0110) Conditions of Approval
- Exhibit G: Conditional Use Permit (PEN20-0111) Conditions of Approval
- Exhibit H: Conditional Use Permit (PEN20-0112) Conditions of Approval

Exhibit A

Tentative Tract Map 37942 (PEN21-0288) Conditions of Approval

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN21-0288)

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CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Tentative Parcel Map (PEN21-0288)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENT**Planning Division**

1. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN21-0288)

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4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The 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)
6. 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.
7. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

Special Conditions

8. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval.
9. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.
10. Prior to grading plan approval, decorative block walls shall be provided along the street side for all corner lots. (MC 9.08.070)
11. Prior to recordation of the final map, the form of deed restriction or open space easement (secured by Development Agreement or other form) binding on the land, the subdivider, and/or future land owners which shall prohibit an increase in the number of lots within the Hillside Residential District shall be submitted to and approved by the Planning Division. The map shall then be recorded with the approved restriction in place.

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN21-0288)

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12. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
13. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
14. A drought tolerant landscape palette shall be utilized throughout the tract in compliance with the City's Landscape Requirements. (9.17)
15. Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be submitted to and approved by the Planning Division, and Public Works Department - Special Districts Division for review and approval by each division. (GP - Circulation Master Plan)
16. If potential historic, archaeological, Native American cultural resources, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the "most likely descendant." The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

17. Prior to issuance of building permit issuance, landscape plans (trees, shrubs and groundcover) for basins maintained by an HOA or other private entity shall be submitted to and approved by the Planning Division for the sides and/or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All

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Tentative Parcel Map (PEN21-0288)

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- detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative (e.g. split face, color variation, pattern variation, or as approved by the Planning Official) wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Planning Official is required to secure all water quality and detention basins more than 18 inches in depth.
18. 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)
 19. 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.
 20. 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)
 21. 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.)
 22. Prior to grading plan approval, wall and fence plans shall be submitted to and approved by the Planning Division to include a six (6) foot high solid decorative (e.g. split face, color variation, pattern variation, or as approved by the Planning Official) block wall along the all tract perimeters.
 23. 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.
 24. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following: The name and address of the development and the developer's name and address to include a 24-hour emergency phone number.
 25. Prior to issuance of grading permits, the developer shall pay the applicable

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN21-0288)

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Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee.

26. Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
- a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially 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.
27. Prior to approval of any grading permit, a tree plan shall be submitted to and approved by the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be shown on the plan, be a minimum size of 24

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Tentative Parcel Map (PEN21-0288)

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- inch box, and meet a ratio of three replacement trees for each mature tree removed or as approved by the Planning Official. (GP Objective 4.4, 4.5, DG)
28. All undeveloped portions of the site in perpetuity shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
 29. 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.
 30. Prior to grading plan approval, wall and fence plans shall be submitted to and approved by the Planning Division subject to the City's Municipal Code including the following:
 - A. A solid decorative (e.g. split face, color variation, pattern variation, or as approved by the Planning Official) block wall with pilasters and a cap is required along the east property line/perimeter of the project site, adjacent to single-family.
 31. The site is approved for a Parcel Map to subdivide the approximate 8.4-acre parcel into seven (7) lots within the Master Plot Plan shopping center PEN21-0289. The Parcel Map shall include reciprocal access for all parcels. A change or modification will require a separate review.
 32. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Building Division

33. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
34. 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.
35. Contact the Building Safety Division for permit application submittal requirements.
36. 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.

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Tentative Parcel Map (PEN21-0288)

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37. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
38. 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.
39. 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.
40. 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.
41. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
42. 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)
43. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
 The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services

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Tentative Parcel Map (PEN21-0288)

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Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FIRE DEPARTMENT**Fire Prevention Bureau**

44. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
45. 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)
46. 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)
47. 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)
48. 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)
49. 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)
50. Prior to issuance of building permits, plans specifying the required structural materials for building construction in high fire hazard severity zones shall be submitted to the Fire Prevention Bureau for approval. (CFC, 4905)
51. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN21-0288)

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52. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
53. 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.
54. 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.
55. 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)
56. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
57. 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])
58. 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])
59. 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

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Tentative Parcel Map (PEN21-0288)

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- constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
60. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 61. 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)
 62. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 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. 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)
 66. 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)
 67. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.

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Tentative Parcel Map (PEN21-0288)

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68. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
69. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
70. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
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.
72. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed

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statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT**Moreno Valley Utility**

73. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
74. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

75. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place.

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The developer will be responsible, at developer's expense, for any and all costs associated with the relocation of any of Moreno Valley Utility's underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

PUBLIC WORKS DEPARTMENT**Land Development**

76. 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.
77. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
78. 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.
79. 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

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- 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.
80. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
 81. 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]
 82. 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)]
 83. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
 84. 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.
 85. 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.
 86. The proposed private storm drain system shall connect to the proposed

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underground infiltration basin on the south side of the property. 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.

87. 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. Map (recording prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan prior to grading permit issuance);
 - d. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release);
 - h. As-Built revision for all plans (prior to occupancy release).
88. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for single-family residential 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 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 Property Owner's Association (POA).
89. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California

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Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

90. 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.
91. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
92. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
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

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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 underground infiltration basin. 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.

94. 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.

95. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted

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for review and approved by the City Engineer per the current submittal requirements.

96. 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.
97. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
98. 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.
99. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
100. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.

Prior to Grading Permit

101. 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)]
102. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
103. 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)]
104. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be

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submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]

Prior to Map Approval

105. All proposed street names shall be submitted for review and approved by the City Engineer, if applicable. [MC 9.14.090(E.2.k)]
106. 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.
107. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
108. Resolution of all drainage issues shall be as approved by the City Engineer.
109. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]
110. 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]
111. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
112. 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.

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113. 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 shall establish a Property Owners Association (POA) to finance the maintenance of the “Water Quality BMPs”.

Prior to Improvement Plan Approval

114. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
115. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
116. 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.
117. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
118. 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.
119. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
120. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to

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be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

121. 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.
122. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.

Prior to Encroachment Permit

123. 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.
124. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

125. 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.
126. For all subdivision projects, the map shall be recorded (excluding model homes).
[MC 9.14.190]

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127. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
- (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.
128. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
129. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).

Prior to Occupancy

130. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
131. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
132. 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.

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133. Prior to occupancy, the following improvements shall be completed:
Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.
134. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
135. 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.
136. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.

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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.

137. Prior to occupancy, the following improvements shall be completed:

Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVSI-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.

Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.

138. Prior to occupancy, the following improvements shall be completed:

The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East Hospital Road allows for necessary reconstruction work.

Special Districts Division

139. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.

140. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation

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

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

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

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

An alternative to satisfying this condition will be identified at such time as a special

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financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

142. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.
143. CFD 2014-01. Prior to City Council action authorizing the recordation of the map, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and/or b) if a landscaped median is required, Landscape Maintenance Services for public parkway, traffic circle, open space, and/or median landscaping on Cactus Avenue.

This condition must be fully satisfied prior to issuance of the 1st Building Permit. 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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

144. Park Maintenance Funding. Prior to City Council action authorizing the recordation of the map, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

This condition must be fully satisfied prior to issuance of the 1st Building Permit. 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

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- obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.
145. Approved Landscape Plans. If a landscaped median is required, for those areas to be maintained by the City and prior to the issuance of the 1st Building Permit, Planning, Landscape Services and Transportation Engineering staff, at a minimum, shall review and approve the final median, parkway, slope, traffic circle and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval.
 146. Right of Way Water Quality BMP Maintenance. The ongoing maintenance of any water quality BMP (e.g. Bioswale) constructed in the public right of way shall be the responsibility of a property owner association or the property owner.
 147. Maintenance Period. If a landscaped median is required, the Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
 148. Independent Utilities. Parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are required to have independent utility systems, including but not limited to water, electric, and telephone services. An independent irrigation controller and pedestal will also be required. Combining utility systems with existing or future landscape areas that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
 149. Landscape Inspection Fees. If a landscaped median is required, inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre-construction meeting. (MC 3.32.040)
 150. Landscape Guidelines. Plans for parkway, median, slope, traffic circle, and/or open space landscape areas designated in the project's Conditions of Approval for incorporation into a City Coordinated landscape maintenance program, shall be prepared and submitted in accordance with the City of Moreno Valley Public Works Department Landscape Design Guidelines. The guidelines are available on the City's website at www.moval.org or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
 151. Maintenance Responsibility. The ongoing maintenance of any landscaping required

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to be installed behind the curb shall be the responsibility of the property owner.

152. Landscape Plan Check Fees. Plan check fees for review of parkway/median, open space, and/or traffic circle landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
153. Parkway, open space, traffic circle, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
154. If a landscaped median is required, mylars of the landscape and irrigation plans shall be submitted on hanging tab to Landscape Services.

Transportation Engineering Division

155. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
156. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
157. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
158. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.
159. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only
160. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
161. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City

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Standard Plan No. MVS1-164A, B, C-0.

162. 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 within the project area.
163. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
164. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
165. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
166. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one shared through/right-turn lane.
167. All public improvement plans required for this project shall be approved by the City Engineer prior to map approval and the Developer shall guarantee the completion of all related improvements required for this project as required by the Land Development Division.
168. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

169. This project is subject to current Development Impact Fees.

Exhibit B

Master Plot Plan (PEN21-0289) Conditions of Approval

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CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan (PEN21-0289)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENT**Planning Division**

1. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the

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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.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The 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)
8. 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)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. To reduce single event noise impacts to below the level of 55 dBA beyond the boundaries of the property, delivery operations shall be limited to between the hours of am and pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140,)
11. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line.

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(MC9.09.080 C.6 and 9.10.140)

12. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
13. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.
14. The site has been approved for a Master Plot Plan for the development of the Cactus Avenue and Nason Street Commercial Office and Retail Development project to include approximately 89, 805 square feet of development with seven buildings. Development includes:
 - PEN21-0289, Master Plot Plan includes Office/Medical Building 3 (approximately 40,000 square feet).
 - Plot Plan PEN23-0081, Medical/Office Building 1 (approximately 16,000 square feet).
 - Plot Plan PEN23-0082, Medical/Office Building 2 (approximately 16,000 square feet).
 - Plot Plan PEN23-0083 for Pad B, a retail/restaurant building (approximately 8,000 square feet).
 - Conditional Use Permit PEN20-0110 Pad A, a fast-food restaurant with a drive-through (approximately 3,500 square feet).
 - Conditional Use Permit PEN20-0111 Pad C, a fast-food restaurant with a drive-through (approximately 2,310 square feet).
 - Conditional Use Permit PEN20-0112, for a fuel station with convenience store with beer, wine, and spirits sales.

This Master Plot Plan includes all on-site and off-site improvements with reciprocal access, per the approved plans and Municipal Code Requirements. All improvements are required with the first building. A change or modification shall require separate approval. For the Conditional Use Permits, violation(s) may result in revocation of the Conditional Use Permit.
15. One outdoor trash receptacle shall be provided shall be provided for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
16. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Prior to Grading Permit

17. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.

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18. 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)
19. 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.
20. 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)
21. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
22. 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.
23. 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]
24. Prior to the issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for the Planning Division 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.

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- d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
25. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
26. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
27. Prior to issuance of any building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
28. 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.
29. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan as submitted with the Building and Safety submittal, or as a separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color, and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
30. Prior to the issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls where required.
 - d. Drought tolerant landscape shall be used. No sod shall be installed
 - e. Street trees shall be provided every 40 feet on-center.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30)

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linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.

h. Landscaping on three sides of any trash enclosure.

i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of the first building final or certificate of any occupancy permits.

31. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
32. 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)
33. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
34. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
35. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans,

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an additional plan check fee will apply. (MC 9.08.100, 9.16.280)

36. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
39. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

40. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
41. 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.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. 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.

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- 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.
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 46. 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.
 47. 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.
 48. 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.
 49. The proposed non-residential project shall comply with the California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
 50. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
 51. 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)
 52. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee

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Administration (CDTFA),

b) must be registered as a retailer, not consumer, of materials, and

c) have an executed contract over \$5 million to install materials at the jobsite.

The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

53. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
54. New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
55. New Moreno Valley businesses are encouraged to hire local residents.
56. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
57. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

58. All Fire Department access roads or driveways shall not exceed 12 percent grade.

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(CFC 503.2.7 and MVMC 8.36.060[G])

59. 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)
60. 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)
61. 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)
62. 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)
63. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
64. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
65. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
66. 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

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- Valley Fire Department prior to beginning construction. They shall be maintained accessible.
67. 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.
 68. 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)
 69. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 70. A fire extinguisher with a minimum rating of 3A:40BC shall be mounted in an accessible location within the cell site enclosure next to the fueled generator.
 71. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 72. 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])
 73. 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)
 74. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 75. 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

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- 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)
76. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 77. 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)
 78. 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)
 79. 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)
 80. 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)
 81. 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)
 82. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 83. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 84. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

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85. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
86. 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.
87. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Moreno Valley Utility

88. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
89. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

90. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

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PUBLIC WORKS DEPARTMENT**Land Development**

91. 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.
92. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
93. 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.
94. 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

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that all operations and activities are in conformance with these conditions.

95. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
96. 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]
97. 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)]
98. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
99. 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.
100. 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.
101. The proposed private storm drain system shall connect to the proposed underground infiltration basin on the south side of the property. 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.

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102. 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. 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. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release).
 - h. As-Built revision for all plans (prior to occupancy release).
103. 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 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 Property Owner's Association (POA).
104. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that

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sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

105. Resolution of all drainage issues shall be as approved by the City Engineer.
106. 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.
107. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
108. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
109. 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

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for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of underground infiltration basin. 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 & Safety Division.

110. 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.

111. 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.

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112. 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.
113. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
114. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
115. 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.
116. 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.

Prior to Grading Permit

117. 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)]
118. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
119. 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)]
120. 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]

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121. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.

Prior to Improvement Plan Approval

122. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
123. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
124. 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.
125. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
126. 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.
127. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
128. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

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129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. 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.
131. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

132. 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.
133. Any work performed within public right-of-way requires an encroachment permit.
134. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]

Prior to Building Permit

135. 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

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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.

136. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
137. 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).
138. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
139. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
 - (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

140. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
141. 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.

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- 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.

- 142. 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.

- 143. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

- 144. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.

- 145. Prior to occupancy, the following improvements shall be completed:
 The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East

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Hospital Road allows for necessary reconstruction work.

146. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
147. Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVSI-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.
148. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - f. Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

149. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
150. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate

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the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

152. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

153. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

154. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
155. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
156. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

157. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
158. Project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-112C-0 for commercial driveway approaches and as shown on the approved site plan, dated April 6, 2023.
159. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
160. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
161. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
162. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only

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163. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
164. Prior to issuance of a certificate of occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
165. Prior to issuance of a certificate of occupancy, all signing and striping shall be installed per current City Standards and the approved plans.
166. Prior to issuance of a certificate of occupancy, the applicant shall make a fair-share contribution to the City of Moreno Valley for the additional southbound right-turn lane at the intersection of Nason Street and Iris Avenue, as identified in the traffic analysis.
167. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVS1-164A, B, C-0.
168. 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 within the project area.
169. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
170. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one shared through/right-turn lane.
171. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
172. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.

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173. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
174. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
175. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

176. This project is subject to current Development Impact Fees.

Exhibit C

Plot Plan (PEN23-0081) Conditions of Approval

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CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan (PEN23-0081)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the

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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.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The 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)
8. 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)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. To reduce single event noise impacts to below the level of 55 dBA beyond the boundaries of the property, delivery operations shall be limited to between the hours of am and pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140,)
11. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line.

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(MC9.09.080 C.6 and 9.10.140)

12. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
13. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.
14. The site has been approved for a Master Plot Plan for the development of the Cactus Avenue and Nason Street Commercial Office and Retail Development project to include approximately 89, 805 square feet of development with seven buildings. Development includes:
 - PEN21-0289, Master Plot Plan includes Office/Medical Building 3 (approximately 40,000 square feet).
 - Plot Plan PEN23-0081, Medical/Office Building 1 (approximately 16,000 square feet).
 - Plot Plan PEN23-0082, Medical/Office Building 2 (approximately 16,000 square feet).
 - Plot Plan PEN23-0083 for Pad B, a retail/restaurant building (approximately 8,000 square feet).
 - Conditional Use Permit PEN20-0110 Pad A, a fast-food restaurant with a drive-through (approximately 3,500 square feet).
 - Conditional Use Permit PEN20-0111 Pad C, a fast-food restaurant with a drive-through (approximately 2,310 square feet).
 - Conditional Use Permit PEN20-0112, for a fuel station with convenience store with beer, wine, and spirits sales.

This Master Plot Plan includes all on-site and off-site improvements with reciprocal access, per the approved plans and Municipal Code Requirements. All improvements are required with the first building. A change or modification shall require separate approval. For the Conditional Use Permits, violation(s) may result in revocation of the Conditional Use Permit.
15. One outdoor trash receptacle shall be provided shall be provided for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
16. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Prior to Grading Permit

17. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.

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18. 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)
19. 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.
20. 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)
21. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
22. 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.
23. 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]
24. Prior to the issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for the Planning Division 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.

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- d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
25. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
26. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
27. Prior to issuance of any building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
28. 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.
29. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan as submitted with the Building and Safety submittal, or as a separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color, and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
30. Prior to the issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls where required.
 - d. Drought tolerant landscape shall be used. No sod shall be installed
 - e. Street trees shall be provided every 40 feet on-center.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30)

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linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.

h. Landscaping on three sides of any trash enclosure.

i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of the first building final or certificate of any occupancy permits.

31. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
32. 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)
33. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
34. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
35. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans,

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an additional plan check fee will apply. (MC 9.08.100, 9.16.280)

36. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
39. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

40. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
41. 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.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. 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.

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- 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.
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 46. 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.
 47. 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.
 48. 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.
 49. The proposed non-residential project shall comply with the California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
 50. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
 51. 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)
 52. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee

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Administration (CDTFA),

b) must be registered as a retailer, not consumer, of materials, and

c) have an executed contract over \$5 million to install materials at the jobsite.

The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

53. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
54. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
55. New Moreno Valley businesses are encouraged to hire local residents.
56. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
57. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center ("BERC").

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

58. All Fire Department access roads or driveways shall not exceed 12 percent grade.

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(CFC 503.2.7 and MVMC 8.36.060[G])

59. 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)
60. 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)
61. 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)
62. 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)
63. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
64. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
65. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
66. 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

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- Valley Fire Department prior to beginning construction. They shall be maintained accessible.
67. 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.
 68. 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)
 69. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 70. A fire extinguisher with a minimum rating of 3A:40BC shall be mounted in an accessible location within the cell site enclosure next to the fueled generator.
 71. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 72. 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])
 73. 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)
 74. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 75. 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

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- 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)
76. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 77. 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)
 78. 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)
 79. 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)
 80. 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)
 81. 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)
 82. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 83. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 84. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

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85. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
86. 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.
87. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Moreno Valley Utility

88. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
89. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

90. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

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PUBLIC WORKS DEPARTMENT**Land Development**

91. 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.
92. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
93. 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.
94. 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

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that all operations and activities are in conformance with these conditions.

95. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
96. 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]
97. 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)]
98. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
99. 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.
100. 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.
101. The proposed private storm drain system shall connect to the proposed underground infiltration basin on the south side of the property. 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.

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102. 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. 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. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release).
 - h. As-Built revision for all plans (prior to occupancy release).
103. 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 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 Property Owner's Association (POA).
104. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that

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sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

105. Resolution of all drainage issues shall be as approved by the City Engineer.
106. 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.
107. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
108. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
109. 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

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for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of underground infiltration basin. 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 & Safety Division.

110. 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.

111. 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.

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112. 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.
113. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
114. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
115. 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.
116. 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.

Prior to Grading Permit

117. 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)]
118. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
119. 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)]
120. 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]

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121. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.

Prior to Improvement Plan Approval

122. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
123. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
124. 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.
125. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
126. 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.
127. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
128. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

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129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. 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.
131. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

132. 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.
133. Any work performed within public right-of-way requires an encroachment permit.
134. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]

Prior to Building Permit

135. 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

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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.

136. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
137. 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).
138. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
139. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
 - (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

140. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
141. 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.

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- 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.

- 142. 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.

- 143. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

- 144. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.

- 145. Prior to occupancy, the following improvements shall be completed:
 The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East

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Hospital Road allows for necessary reconstruction work.

146. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
147. Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVSI-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.
148. The Developer shall comply with the following water quality related items:
- Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - 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;
 - Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

149. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
150. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate

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the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

152. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

153. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

154. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
155. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
156. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

157. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
158. Project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-112C-0 for commercial driveway approaches and as shown on the approved site plan, dated April 6, 2023.
159. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
160. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
161. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
162. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only

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163. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
164. Prior to issuance of a certificate of occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
165. Prior to issuance of a certificate of occupancy, all signing and striping shall be installed per current City Standards and the approved plans.
166. Prior to issuance of a certificate of occupancy, the applicant shall make a fair-share contribution to the City of Moreno Valley for the additional southbound right-turn lane at the intersection of Nason Street and Iris Avenue, as identified in the traffic analysis.
167. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
168. 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 within the project area.
169. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
170. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one though lane, and one shared through/right-turn lane.
171. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
172. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.

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173. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
174. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
175. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

176. This project is subject to current Development Impact Fees.

Exhibit D

Plot Plan (PEN23-0082) Conditions of Approval

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CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan (PEN21-0082)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the

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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.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The 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)
8. 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)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. To reduce single event noise impacts to below the level of 55 dBA beyond the boundaries of the property, delivery operations shall be limited to between the hours of am and pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140,)
11. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line.

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(MC9.09.080 C.6 and 9.10.140)

12. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
13. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.
14. The site has been approved for a Master Plot Plan for the development of the Cactus Avenue and Nason Street Commercial Office and Retail Development project to include approximately 89, 805 square feet of development with seven buildings. Development includes:
 - PEN21-0289, Master Plot Plan includes Office/Medical Building 3 (approximately 40,000 square feet).
 - Plot Plan PEN23-0081, Medical/Office Building 1 (approximately 16,000 square feet).
 - Plot Plan PEN23-0082, Medical/Office Building 2 (approximately 16,000 square feet).
 - Plot Plan PEN23-0083 for Pad B, a retail/restaurant building (approximately 8,000 square feet).
 - Conditional Use Permit PEN20-0110 Pad A, a fast-food restaurant with a drive-through (approximately 3,500 square feet).
 - Conditional Use Permit PEN20-0111 Pad C, a fast-food restaurant with a drive-through (approximately 2,310 square feet).
 - Conditional Use Permit PEN20-0112, for a fuel station with convenience store with beer, wine, and spirits sales.

This Master Plot Plan includes all on-site and off-site improvements with reciprocal access, per the approved plans and Municipal Code Requirements. All improvements are required with the first building. A change or modification shall require separate approval. For the Conditional Use Permits, violation(s) may result in revocation of the Conditional Use Permit.
15. One outdoor trash receptacle shall be provided shall be provided for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
16. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Prior to Grading Permit

17. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.

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18. 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)
19. 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.
20. 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)
21. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
22. 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.
23. 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]
24. Prior to the issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for the Planning Division 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.

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- d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
25. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
26. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
27. Prior to issuance of any building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
28. 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.
29. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan as submitted with the Building and Safety submittal, or as a separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color, and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
30. Prior to the issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls where required.
 - d. Drought tolerant landscape shall be used. No sod shall be installed
 - e. Street trees shall be provided every 40 feet on-center.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30)

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linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.

h. Landscaping on three sides of any trash enclosure.

i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of the first building final or certificate of any occupancy permits.

31. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
32. 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)
33. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
34. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
35. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans,

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an additional plan check fee will apply. (MC 9.08.100, 9.16.280)

36. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
39. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

40. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
41. 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.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. 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.

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- 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.
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 46. 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.
 47. 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.
 48. 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.
 49. The proposed non-residential project shall comply with the California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
 50. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
 51. 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)
 52. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee

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Administration (CDTFA),

b) must be registered as a retailer, not consumer, of materials, and

c) have an executed contract over \$5 million to install materials at the jobsite.

The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

53. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
54. New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
55. New Moreno Valley businesses are encouraged to hire local residents.
56. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
57. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

58. All Fire Department access roads or driveways shall not exceed 12 percent grade.

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(CFC 503.2.7 and MVMC 8.36.060[G])

59. 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)
60. 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)
61. 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)
62. 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)
63. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
64. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
65. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
66. 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

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- Valley Fire Department prior to beginning construction. They shall be maintained accessible.
67. 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.
 68. 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)
 69. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 70. A fire extinguisher with a minimum rating of 3A:40BC shall be mounted in an accessible location within the cell site enclosure next to the fueled generator.
 71. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 72. 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])
 73. 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)
 74. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 75. 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

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- 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)
76. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 77. 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)
 78. 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)
 79. 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)
 80. 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)
 81. 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)
 82. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 83. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 84. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

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85. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
86. 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.
87. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Moreno Valley Utility

88. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
89. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

90. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

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PUBLIC WORKS DEPARTMENT**Land Development**

91. 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.
92. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
93. 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.
94. 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

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that all operations and activities are in conformance with these conditions.

95. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
96. 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]
97. 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)]
98. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
99. 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.
100. 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.
101. The proposed private storm drain system shall connect to the proposed underground infiltration basin on the south side of the property. 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.

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102. 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. Map (recording prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan prior to grading permit issuance);
 - d. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release).
 - h. As-Built revision for all plans (prior to occupancy release).
103. 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 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 Property Owner's Association (POA).
104. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that

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sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

105. Resolution of all drainage issues shall be as approved by the City Engineer.
106. 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.
107. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
108. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
109. 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

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for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of underground infiltration basin. 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 & Safety Division.

110. 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.

111. 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.

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112. 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.
113. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
114. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
115. 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.
116. 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.

Prior to Grading Permit

117. 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)]
118. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
119. 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)]
120. 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]

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121. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.

Prior to Improvement Plan Approval

122. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
123. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
124. 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.
125. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
126. 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.
127. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
128. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

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129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. 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.
131. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

132. 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.
133. Any work performed within public right-of-way requires an encroachment permit.
134. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]

Prior to Building Permit

135. 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

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- 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.
136. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
 137. 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).
 138. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
 139. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
 - (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

140. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
141. 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.

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- 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.

- 142. 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.

- 143. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

- 144. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.

- 145. Prior to occupancy, the following improvements shall be completed:
 The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East

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Hospital Road allows for necessary reconstruction work.

146. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
147. Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVSI-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.
148. The Developer shall comply with the following water quality related items:
- Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - 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;
 - Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

149. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
150. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate

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the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

152. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

153. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

154. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
155. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
156. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

157. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
158. Project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-112C-0 for commercial driveway approaches and as shown on the approved site plan, dated April 6, 2023.
159. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
160. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
161. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
162. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only

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163. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
164. Prior to issuance of a certificate of occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
165. Prior to issuance of a certificate of occupancy, all signing and striping shall be installed per current City Standards and the approved plans.
166. Prior to issuance of a certificate of occupancy, the applicant shall make a fair-share contribution to the City of Moreno Valley for the additional southbound right-turn lane at the intersection of Nason Street and Iris Avenue, as identified in the traffic analysis.
167. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVS1-164A, B, C-0.
168. 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 within the project area.
169. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
170. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one shared through/right-turn lane.
171. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
172. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.

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173. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
174. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
175. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

176. This project is subject to current Development Impact Fees.

Exhibit E

Plot Plan (PEN23-0083) Conditions of Approval

CONDITIONS OF APPROVAL

Plot Plan (PEN23-0083)

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CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan (PEN23-0083)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the

CONDITIONS OF APPROVAL

Plot Plan (PEN23-0083)

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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.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The 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)
8. 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)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. To reduce single event noise impacts to below the level of 55 dBA beyond the boundaries of the property, delivery operations shall be limited to between the hours of am and pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140,)
11. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line.

CONDITIONS OF APPROVAL

Plot Plan (PEN23-0083)

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(MC9.09.080 C.6 and 9.10.140)

12. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
13. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.
14. The site has been approved for a Master Plot Plan for the development of the Cactus Avenue and Nason Street Commercial Office and Retail Development project to include approximately 89, 805 square feet of development with seven buildings. Development includes:
 - PEN21-0289, Master Plot Plan includes Office/Medical Building 3 (approximately 40,000 square feet).
 - Plot Plan PEN23-0081, Medical/Office Building 1 (approximately 16,000 square feet).
 - Plot Plan PEN23-0082, Medical/Office Building 2 (approximately 16,000 square feet).
 - Plot Plan PEN23-0083 for Pad B, a retail/restaurant building (approximately 8,000 square feet).
 - Conditional Use Permit PEN20-0110 Pad A, a fast-food restaurant with a drive-through (approximately 3,500 square feet).
 - Conditional Use Permit PEN20-0111 Pad C, a fast-food restaurant with a drive-through (approximately 2,310 square feet).
 - Conditional Use Permit PEN20-0112, for a fuel station with convenience store with beer, wine, and spirits sales.

This Master Plot Plan includes all on-site and off-site improvements with reciprocal access, per the approved plans and Municipal Code Requirements. All improvements are required with the first building. A change or modification shall require separate approval. For the Conditional Use Permits, violation(s) may result in revocation of the Conditional Use Permit.
15. One outdoor trash receptacle shall be provided shall be provided for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
16. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Prior to Grading Permit

17. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.

CONDITIONS OF APPROVAL

Plot Plan (PEN23-0083)

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18. 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)
19. 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.
20. 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)
21. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
22. 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.
23. 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]
24. Prior to the issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for the Planning Division 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.

CONDITIONS OF APPROVAL

Plot Plan (PEN23-0083)

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- d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
25. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
26. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
27. Prior to issuance of any building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
28. 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.
29. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan as submitted with the Building and Safety submittal, or as a separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color, and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
30. Prior to the issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls where required.
 - d. Drought tolerant landscape shall be used. No sod shall be installed
 - e. Street trees shall be provided every 40 feet on-center.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30)

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Plot Plan (PEN23-0083)

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linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.

h. Landscaping on three sides of any trash enclosure.

i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of the first building final or certificate of any occupancy permits.

31. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
32. 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)
33. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
34. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
35. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans,

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an additional plan check fee will apply. (MC 9.08.100, 9.16.280)

36. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
39. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

40. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
41. 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.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. 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.

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- 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.
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 46. 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.
 47. 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.
 48. 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.
 49. The proposed non-residential project shall comply with the California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
 50. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
 51. 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)
 52. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee

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Administration (CDTFA),

b) must be registered as a retailer, not consumer, of materials, and

c) have an executed contract over \$5 million to install materials at the jobsite.

The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

53. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
54. New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
55. New Moreno Valley businesses are encouraged to hire local residents.
56. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
57. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

58. All Fire Department access roads or driveways shall not exceed 12 percent grade.

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(CFC 503.2.7 and MVMC 8.36.060[G])

59. 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)
60. 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)
61. 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)
62. 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)
63. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
64. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
65. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
66. 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

CONDITIONS OF APPROVAL

Plot Plan (PEN23-0083)

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- Valley Fire Department prior to beginning construction. They shall be maintained accessible.
67. 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.
 68. 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)
 69. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 70. A fire extinguisher with a minimum rating of 3A:40BC shall be mounted in an accessible location within the cell site enclosure next to the fueled generator.
 71. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 72. 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])
 73. 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)
 74. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 75. 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

CONDITIONS OF APPROVAL

Plot Plan (PEN23-0083)

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- 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)
76. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 77. 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)
 78. 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)
 79. 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)
 80. 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)
 81. 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)
 82. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 83. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 84. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

CONDITIONS OF APPROVAL

Plot Plan (PEN23-0083)

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85. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
86. 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.
87. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Moreno Valley Utility

88. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
89. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

90. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

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PUBLIC WORKS DEPARTMENT**Land Development**

91. 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.
92. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
93. 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.
94. 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

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that all operations and activities are in conformance with these conditions.

95. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
96. 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]
97. 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)]
98. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
99. 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.
100. 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.
101. The proposed private storm drain system shall connect to the proposed underground infiltration basin on the south side of the property. 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.

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102. 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. 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. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release).
 - h. As-Built revision for all plans (prior to occupancy release).
103. 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 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 Property Owner's Association (POA).
104. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that

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sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

105. Resolution of all drainage issues shall be as approved by the City Engineer.
106. 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.
107. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
108. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
109. 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

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for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of underground infiltration basin. 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 & Safety Division.

110. 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.

111. 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.

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112. 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.
113. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
114. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
115. 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.
116. 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.

Prior to Grading Permit

117. 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)]
118. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
119. 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)]
120. 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]

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121. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.

Prior to Improvement Plan Approval

122. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
123. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
124. 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.
125. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
126. 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.
127. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
128. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

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129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. 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.
131. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

132. 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.
133. Any work performed within public right-of-way requires an encroachment permit.
134. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]

Prior to Building Permit

135. 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

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- 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.
136. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
 137. 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).
 138. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
 139. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
 - (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

140. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
141. 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.

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- 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.

- 142. 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.

- 143. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

- 144. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.

- 145. Prior to occupancy, the following improvements shall be completed:
 The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East

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Hospital Road allows for necessary reconstruction work.

146. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
147. Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVS1-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVS1-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.
148. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - f. Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

149. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
150. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate

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the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

152. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

153. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

154. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
155. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
156. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

157. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
158. Project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-112C-0 for commercial driveway approaches and as shown on the approved site plan, dated April 6, 2023.
159. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
160. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
161. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
162. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only

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163. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
164. Prior to issuance of a certificate of occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
165. Prior to issuance of a certificate of occupancy, all signing and striping shall be installed per current City Standards and the approved plans.
166. Prior to issuance of a certificate of occupancy, the applicant shall make a fair-share contribution to the City of Moreno Valley for the additional southbound right-turn lane at the intersection of Nason Street and Iris Avenue, as identified in the traffic analysis.
167. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVS1-164A, B, C-0.
168. 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 within the project area.
169. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
170. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one though lane, and one shared through/right-turn lane.
171. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
172. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.

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173. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
174. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
175. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

176. This project is subject to current Development Impact Fees.

Exhibit F

Conditional Use Permit (PEN20-0110) Conditions of Approval

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CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan (PEN20-0110)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the

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Plot Plan (PEN20-0110)

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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.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The 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)
8. 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)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. To reduce single event noise impacts to below the level of 55 dBA beyond the boundaries of the property, delivery operations shall be limited to between the hours of am and pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140,)
11. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line.

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(MC9.09.080 C.6 and 9.10.140)

12. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
13. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.
14. The site has been approved for a Master Plot Plan for the development of the Cactus Avenue and Nason Street Commercial Office and Retail Development project to include approximately 89, 805 square feet of development with seven buildings. Development includes:
 - PEN21-0289, Master Plot Plan includes Office/Medical Building 3 (approximately 40,000 square feet).
 - Plot Plan PEN23-0081, Medical/Office Building 1 (approximately 16,000 square feet).
 - Plot Plan PEN23-0082, Medical/Office Building 2 (approximately 16,000 square feet).
 - Plot Plan PEN23-0083 for Pad B, a retail/restaurant building (approximately 8,000 square feet).
 - Conditional Use Permit PEN20-0110 Pad A, a fast-food restaurant with a drive-through (approximately 3,500 square feet).
 - Conditional Use Permit PEN20-0111 Pad C, a fast-food restaurant with a drive-through (approximately 2,310 square feet).
 - Conditional Use Permit PEN20-0112, for a fuel station with convenience store with beer, wine, and spirits sales.

This Master Plot Plan includes all on-site and off-site improvements with reciprocal access, per the approved plans and Municipal Code Requirements. All improvements are required with the first building. A change or modification shall require separate approval. For the Conditional Use Permits, violation(s) may result in revocation of the Conditional Use Permit.
15. One outdoor trash receptacle shall be provided shall be provided for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
16. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Prior to Grading Permit

17. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.

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18. 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)
19. 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.
20. 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)
21. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
22. 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.
23. 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]
24. Prior to the issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for the Planning Division 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.

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- d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
25. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
26. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
27. Prior to issuance of any building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
28. 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.
29. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan as submitted with the Building and Safety submittal, or as a separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color, and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
30. Prior to the issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls where required.
 - d. Drought tolerant landscape shall be used. No sod shall be installed
 - e. Street trees shall be provided every 40 feet on-center.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30)

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linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.

h. Landscaping on three sides of any trash enclosure.

i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of the first building final or certificate of any occupancy permits.

31. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
32. 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)
33. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
34. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
35. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans,

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an additional plan check fee will apply. (MC 9.08.100, 9.16.280)

36. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
39. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

40. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
41. 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.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. 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.

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- 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.
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 46. 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.
 47. 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.
 48. 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.
 49. The proposed non-residential project shall comply with the California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
 50. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
 51. 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)
 52. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee

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Administration (CDTFA),

b) must be registered as a retailer, not consumer, of materials, and

c) have an executed contract over \$5 million to install materials at the jobsite.

The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

53. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
54. New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
55. New Moreno Valley businesses are encouraged to hire local residents.
56. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
57. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

58. All Fire Department access roads or driveways shall not exceed 12 percent grade.

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(CFC 503.2.7 and MVMC 8.36.060[G])

59. 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)
60. 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)
61. 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)
62. 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)
63. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
64. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
65. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
66. 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

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- Valley Fire Department prior to beginning construction. They shall be maintained accessible.
67. 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.
 68. 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)
 69. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 70. A fire extinguisher with a minimum rating of 3A:40BC shall be mounted in an accessible location within the cell site enclosure next to the fueled generator.
 71. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 72. 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])
 73. 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)
 74. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 75. 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

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- 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)
76. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 77. 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)
 78. 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)
 79. 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)
 80. 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)
 81. 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)
 82. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 83. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 84. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

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85. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
86. 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.
87. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Moreno Valley Utility

88. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
89. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

90. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

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PUBLIC WORKS DEPARTMENT**Land Development**

91. 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.
92. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
93. 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.
94. 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

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that all operations and activities are in conformance with these conditions.

95. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
96. 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]
97. 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)]
98. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
99. 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.
100. 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.
101. The proposed private storm drain system shall connect to the proposed underground infiltration basin on the south side of the property. 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.

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102. 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. 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. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release).
 - h. As-Built revision for all plans (prior to occupancy release).
103. 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 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 Property Owner's Association (POA).
104. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that

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sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

105. Resolution of all drainage issues shall be as approved by the City Engineer.
106. 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.
107. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
108. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
109. 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

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for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of underground infiltration basin. 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 & Safety Division.

110. 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.

111. 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.

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112. 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.
113. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
114. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
115. 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.
116. 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.

Prior to Grading Permit

117. 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)]
118. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
119. 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)]
120. 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]

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121. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.

Prior to Improvement Plan Approval

122. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
123. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
124. 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.
125. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
126. 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.
127. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
128. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

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129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. 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.
131. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

132. 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.
133. Any work performed within public right-of-way requires an encroachment permit.
134. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]

Prior to Building Permit

135. 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

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- 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.
136. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
 137. 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).
 138. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
 139. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
 - (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

140. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
141. 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.

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- 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.

- 142. 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.

- 143. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

- 144. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.

- 145. Prior to occupancy, the following improvements shall be completed:
 The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East

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Hospital Road allows for necessary reconstruction work.

146. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
147. Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVSI-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.
148. The Developer shall comply with the following water quality related items:
- Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - 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;
 - Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

149. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
150. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate

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the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

152. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

153. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

154. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
155. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
156. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

157. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
158. Project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-112C-0 for commercial driveway approaches and as shown on the approved site plan, dated April 6, 2023.
159. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
160. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
161. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
162. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only

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163. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
164. Prior to issuance of a certificate of occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
165. Prior to issuance of a certificate of occupancy, all signing and striping shall be installed per current City Standards and the approved plans.
166. Prior to issuance of a certificate of occupancy, the applicant shall make a fair-share contribution to the City of Moreno Valley for the additional southbound right-turn lane at the intersection of Nason Street and Iris Avenue, as identified in the traffic analysis.
167. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVS1-164A, B, C-0.
168. 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 within the project area.
169. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
170. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one shared through/right-turn lane.
171. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
172. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.

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173. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
174. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
175. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

176. This project is subject to current Development Impact Fees.

Exhibit G

Conditional Use Permit (PEN20-0111) Conditions of Approval

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Conditional Use Permit
(PEN20-0111)
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CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Conditional Use Permit
(PEN20-0111)

EFFECTIVE DATE:
EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the

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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.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The 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)
8. 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)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. To reduce single event noise impacts to below the level of 55 dBA beyond the boundaries of the property, delivery operations shall be limited to between the hours of am and pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140,)
11. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line.

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(MC9.09.080 C.6 and 9.10.140)

12. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
13. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.
14. The site has been approved for a Master Plot Plan for the development of the Cactus Avenue and Nason Street Commercial Office and Retail Development project to include approximately 89, 805 square feet of development with seven buildings. Development includes:
 - PEN21-0289, Master Plot Plan includes Office/Medical Building 3 (approximately 40,000 square feet).
 - Plot Plan PEN23-0081, Medical/Office Building 1 (approximately 16,000 square feet).
 - Plot Plan PEN23-0082, Medical/Office Building 2 (approximately 16,000 square feet).
 - Plot Plan PEN23-0083 for Pad B, a retail/restaurant building (approximately 8,000 square feet).
 - Conditional Use Permit PEN20-0110 Pad A, a fast-food restaurant with a drive-through (approximately 3,500 square feet).
 - Conditional Use Permit PEN20-0111 Pad C, a fast-food restaurant with a drive-through (approximately 2,310 square feet).
 - Conditional Use Permit PEN20-0112, for a fuel station with convenience store with beer, wine, and spirits sales.

This Master Plot Plan includes all on-site and off-site improvements with reciprocal access, per the approved plans and Municipal Code Requirements. All improvements are required with the first building. A change or modification shall require separate approval. For the Conditional Use Permits, violation(s) may result in revocation of the Conditional Use Permit.
15. One outdoor trash receptacle shall be provided shall be provided for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
16. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Prior to Grading Permit

17. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.

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18. 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)
19. 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.
20. 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)
21. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
22. 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.
23. 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]
24. Prior to the issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for the Planning Division 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.

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- d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
25. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
26. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
27. Prior to issuance of any building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
28. 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.
29. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan as submitted with the Building and Safety submittal, or as a separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color, and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
30. Prior to the issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls where required.
 - d. Drought tolerant landscape shall be used. No sod shall be installed
 - e. Street trees shall be provided every 40 feet on-center.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30)

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linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.

h. Landscaping on three sides of any trash enclosure.

i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of the first building final or certificate of any occupancy permits.

31. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
32. 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)
33. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
34. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
35. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans,

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an additional plan check fee will apply. (MC 9.08.100, 9.16.280)

36. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
39. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

40. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
41. 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.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. 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.

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- 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.
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 46. 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.
 47. 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.
 48. 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.
 49. The proposed non-residential project shall comply with the California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
 50. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
 51. 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)
 52. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee

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Administration (CDTFA),

b) must be registered as a retailer, not consumer, of materials, and

c) have an executed contract over \$5 million to install materials at the jobsite.

The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

53. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
54. New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
55. New Moreno Valley businesses are encouraged to hire local residents.
56. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
57. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

58. All Fire Department access roads or driveways shall not exceed 12 percent grade.

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(CFC 503.2.7 and MVMC 8.36.060[G])

59. 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)
60. 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)
61. 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)
62. 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)
63. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
64. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
65. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
66. 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

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- Valley Fire Department prior to beginning construction. They shall be maintained accessible.
67. 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.
 68. 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)
 69. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 70. A fire extinguisher with a minimum rating of 3A:40BC shall be mounted in an accessible location within the cell site enclosure next to the fueled generator.
 71. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 72. 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])
 73. 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)
 74. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 75. 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

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- 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)
76. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 77. 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)
 78. 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)
 79. 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)
 80. 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)
 81. 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)
 82. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 83. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 84. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

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85. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
86. 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.
87. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Moreno Valley Utility

88. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
89. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

90. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

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PUBLIC WORKS DEPARTMENT**Land Development**

91. 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.
92. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
93. 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.
94. 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

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that all operations and activities are in conformance with these conditions.

95. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
96. 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]
97. 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)]
98. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
99. 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.
100. 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.
101. The proposed private storm drain system shall connect to the proposed underground infiltration basin on the south side of the property. 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.

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102. 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. 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. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release).
 - h. As-Built revision for all plans (prior to occupancy release).
103. 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 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 Property Owner's Association (POA).
104. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that

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sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

105. Resolution of all drainage issues shall be as approved by the City Engineer.
106. 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.
107. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
108. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
109. 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

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for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of underground infiltration basin. 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 & Safety Division.

110. 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.

111. 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.

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112. 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.
113. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
114. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
115. 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.
116. 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.

Prior to Grading Permit

117. 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)]
118. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
119. 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)]
120. 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]

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121. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.

Prior to Improvement Plan Approval

122. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
123. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
124. 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.
125. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
126. 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.
127. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
128. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

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129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. 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.
131. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

132. 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.
133. Any work performed within public right-of-way requires an encroachment permit.
134. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]

Prior to Building Permit

135. 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

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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.

136. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
137. 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).
138. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
139. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
 - (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

140. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
141. 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.

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- 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.

- 142. 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.

- 143. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

- 144. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVS1-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVS1-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.

- 145. Prior to occupancy, the following improvements shall be completed:
 The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East

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Hospital Road allows for necessary reconstruction work.

146. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
147. Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVSI-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.
148. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - f. Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

149. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
150. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate

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the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

152. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

153. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

154. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
155. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
156. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

157. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
158. Project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-112C-0 for commercial driveway approaches and as shown on the approved site plan, dated April 6, 2023.
159. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
160. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
161. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
162. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only

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163. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
164. Prior to issuance of a certificate of occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
165. Prior to issuance of a certificate of occupancy, all signing and striping shall be installed per current City Standards and the approved plans.
166. Prior to issuance of a certificate of occupancy, the applicant shall make a fair-share contribution to the City of Moreno Valley for the additional southbound right-turn lane at the intersection of Nason Street and Iris Avenue, as identified in the traffic analysis.
167. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVS1-164A, B, C-0.
168. 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 within the project area.
169. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
170. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one shared through/right-turn lane.
171. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
172. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.

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173. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
174. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
175. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

176. This project is subject to current Development Impact Fees.

Exhibit H

Conditional Use Permit (PEN20-0112), Conditions of Approval

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(PEN20-0112)
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CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Conditional Use Permit
(PEN20-0112)

EFFECTIVE DATE:
EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
2. 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.
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the

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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.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The 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)
8. 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)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. To reduce single event noise impacts to below the level of 55 dBA beyond the boundaries of the property, delivery operations shall be limited to between the hours of am and pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140,)
11. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line.

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(MC9.09.080 C.6 and 9.10.140)

12. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
13. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.
14. The site has been approved for a Master Plot Plan for the development of the Cactus Avenue and Nason Street Commercial Office and Retail Development project to include approximately 89, 805 square feet of development with seven buildings. Development includes:
 - PEN21-0289, Master Plot Plan includes Office/Medical Building 3 (approximately 40,000 square feet).
 - Plot Plan PEN23-0081, Medical/Office Building 1 (approximately 16,000 square feet).
 - Plot Plan PEN23-0082, Medical/Office Building 2 (approximately 16,000 square feet).
 - Plot Plan PEN23-0083 for Pad B, a retail/restaurant building (approximately 8,000 square feet).
 - Conditional Use Permit PEN20-0110 Pad A, a fast-food restaurant with a drive-through (approximately 3,500 square feet).
 - Conditional Use Permit PEN20-0111 Pad C, a fast-food restaurant with a drive-through (approximately 2,310 square feet).
 - Conditional Use Permit PEN20-0112, for a fuel station with convenience store w/ beer, wine, and spirits sales.

This Master Plot Plan includes all on-site and off-site improvements with reciprocal access, per the approved plans and Municipal Code Requirements. All improvements are required with the first building. A change or modification shall require separate approval. For the Conditional Use Permits, violation(s) may result in revocation of the Conditional Use Permit.
15. One outdoor trash receptacle shall be provided shall be provided for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
16. The Preliminary Grading Plan will be revised to match the approved site plan dated April 6, 2023 during the Grading Plan submittal/review process.

Prior to Grading Permit

17. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.

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18. 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)
19. 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.
20. 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)
21. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
22. 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.
23. 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]
24. Prior to the issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for the Planning Division 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.

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- d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
25. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
26. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
27. Prior to issuance of any building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
28. 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.
29. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan as submitted with the Building and Safety submittal, or as a separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color, and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
30. Prior to the issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls where required.
 - d. Drought tolerant landscape shall be used. No sod shall be installed
 - e. Street trees shall be provided every 40 feet on-center.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30)

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linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.

h. Landscaping on three sides of any trash enclosure.

i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of the first building final or certificate of any occupancy permits.

31. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
32. 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)
33. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
34. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
35. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans,

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an additional plan check fee will apply. (MC 9.08.100, 9.16.280)

36. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
39. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

40. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
41. 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.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in The 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. 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.

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- 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.
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 46. 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.
 47. 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.
 48. 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.
 49. The proposed non-residential project shall comply with the California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
 50. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
 51. 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)
 52. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
 - a) have an active permit with the California Department of Tax and Fee

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Administration (CDTFA),

b) must be registered as a retailer, not consumer, of materials, and

c) have an executed contract over \$5 million to install materials at the jobsite.

The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

53. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
54. New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
55. New Moreno Valley businesses are encouraged to hire local residents.
56. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
57. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

58. All Fire Department access roads or driveways shall not exceed 12 percent grade.

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(CFC 503.2.7 and MVMC 8.36.060[G])

59. 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)
60. 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)
61. 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)
62. 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)
63. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
64. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
65. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
66. 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

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- Valley Fire Department prior to beginning construction. They shall be maintained accessible.
67. 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.
 68. 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)
 69. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 70. A fire extinguisher with a minimum rating of 3A:40BC shall be mounted in an accessible location within the cell site enclosure next to the fueled generator.
 71. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 72. 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])
 73. 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)
 74. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 75. 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

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- 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)
76. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 77. 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)
 78. 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)
 79. 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)
 80. 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)
 81. 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)
 82. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 83. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 84. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

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85. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
86. 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.
87. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Moreno Valley Utility

88. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
89. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

90. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

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PUBLIC WORKS DEPARTMENT**Land Development**

91. 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.
92. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
93. 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.
94. 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

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that all operations and activities are in conformance with these conditions.

95. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
96. 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]
97. 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)]
98. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. [MC 9.14.110]
99. 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.
100. 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.
101. The proposed private storm drain system shall connect to the proposed underground infiltration basin on the south side of the property. 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.

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102. 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. 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. Street, Storm Drain, Sewer, Water (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, offers of dedication (prior to occupancy release).
 - h. As-Built revision for all plans (prior to occupancy release).
103. 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 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 Property Owner's Association (POA).
104. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that

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sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

Prior to Grading Plan Approval

105. Resolution of all drainage issues shall be as approved by the City Engineer.
106. 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.
107. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, Bio-Swales.
108. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
109. 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

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for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of underground infiltration basin. 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 & Safety Division.

110. 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.

111. 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.

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112. 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.
113. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
114. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
115. 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.
116. 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.

Prior to Grading Permit

117. 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)]
118. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
119. 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)]
120. 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]

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121. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.

Prior to Improvement Plan Approval

122. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
123. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
124. 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.
125. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
126. 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.
127. Any missing or deficient existing improvements along the project frontage within the Public Right-of-Way 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.
128. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

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129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. 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.
131. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

Prior to Encroachment Permit

132. 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.
133. Any work performed within public right-of-way requires an encroachment permit.
134. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]

Prior to Building Permit

135. 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

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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.

136. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
137. 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).
138. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
139. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
 - (a) The necessary street right of way dedication on the north side of Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - (b) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0.
 - (c) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

140. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
141. 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.

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- 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.

- 142. 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.

- 143. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.

- 144. Prior to occupancy, the following improvements shall be completed:
 Cactus Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) shall be constructed to achieve a half-width of 32' plus 18' beyond centerline, along the entire project's south frontage. Improvements on Cactus Avenue just to the east of the project may be required for transition, alignment, and/or drainage purposes, as directed by the City Engineer. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
 Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-105A-2. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.

- 145. Prior to occupancy, the following improvements shall be completed:
 The four existing ADA ramps at the intersection of Nason Street and Cactus Avenue and at the intersection of Nason Street and East Hospital Road shall be reconstructed to be compliant with current ADA standards, as applicable. An existing maintenance easement west of the intersection of Nason Street and East

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Hospital Road allows for necessary reconstruction work.

146. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
147. Nason Street (100' R/W / 76' CC: Divided Arterial, City Standard No. MVSI-104A-1 (modified)) shall be constructed to achieve a varying half-width of 47' along the entire project's west frontage.
Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-104A-1. Any missing or deficient improvements along the project's west frontage shall be constructed prior to issuance of a certificate of occupancy.
148. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - f. Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

149. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
150. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate

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the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

152. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

153. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

154. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
155. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
156. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

157. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
158. Project driveways shall conform to City of Moreno Valley Standard Plans No. MVSI-112C-0 for commercial driveway approaches and as shown on the approved site plan, dated April 6, 2023.
159. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
160. Nason Street is classified as a Divided Major Arterial along the project frontage. Any improvements undertaken by this project shall be consistent with the City's standards. Communication conduit shall be installed along the project frontage per City Standard Plan No. MVSI-186-0.
161. Cactus Avenue is classified and shall be improved as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-2. Any necessary transitions shall be constructed to match to adjacent improvements.
162. Access at the project driveways shall be as follows:
 - North driveway on Nason Street (currently signalized): inbound movements only.
 - South driveway on Nason Street: right-turn in/out only
 - West driveway on Cactus Avenue: full access
 - East driveway on Cactus Avenue: right-turn in/out only

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163. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer shall be required for plan approval by the City Traffic Engineer.
164. Prior to issuance of a certificate of occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
165. Prior to issuance of a certificate of occupancy, all signing and striping shall be installed per current City Standards and the approved plans.
166. Prior to issuance of a certificate of occupancy, the applicant shall make a fair-share contribution to the City of Moreno Valley for the additional southbound right-turn lane at the intersection of Nason Street and Iris Avenue, as identified in the traffic analysis.
167. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
168. 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 within the project area.
169. Prior to final approval of street improvement plans, traffic signal modification plan shall be prepared for the existing traffic signal at the intersection of Nason Street/Hospital Road. Modifications may include, but are not limited to, signal head replacement, new signal poles/mast arms, new traffic detector loops or video/radar detection system, etc. Specific modifications shall be determined during the plan check review.
170. Prior to the final approval of the street improvement plans, the intersection of Nason Street and Cactus Avenue shall be designed to provide the following (at a minimum):
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Eastbound: one left-turn lane, one through lane, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one shared through/right-turn lane.
171. Any modifications to the existing traffic signal at the intersection of Nason Street and Cactus Avenue shall be in conformance with the California Manual on uniform Traffic Control Devices (CA MUTCD) and city standards.
172. Final map, grading plans, and street improvement plans shall be consistent with the approved site plan dated April 6, 2023.

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173. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plan - Section 4 and California Manual on Uniform Traffic Control Devices (CAMUTCD). Plans shall provide a 150-ft westbound let-turn storage lane at the intersection of Cactus Avenue and Nason Street.
174. A copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include a section that will encourage employers to promote telecommuting or alternative/flexible work schedules, as identified in mitigation measure TRANS-3.
175. All transportation mitigation measures shall be satisfied, except TRANS-1 and TRANS-2. TRANS-1 and TRANS-2 are no longer applicable due to changes to CEQA guidelines associated with Senate Bill 743.

PARKS & COMMUNITY SERVICES DEPARTMENT

176. This project is subject to current Development Impact Fees.

JASON E. UHLEY
General Manager-Chief Engineer



1995 MARKET STREET
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www.reflood.org

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

251704

July 3, 2023

City of Moreno Valley
Community Development Department Planning Division
Post Office Box 88005
Moreno Valley, CA 92552-0805

Attention: Mr. James Troyer

Re: PEN 21-0289, PEN 21-0288, PEN 20-0110,
PEN 20-0111, PEN 20-0112 and
APN 486-290-038

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District's review is based on the above-referenced project transmittal, received June 16, 2023. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

- This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.
- This project involves District proposed Master Drainage Plan facilities, namely, _____. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.
- If this project proposes channels, storm drains 36 inches or larger in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, the District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

City of Moreno Valley
 Re: PEN 21-0289, PEN 21-0288, PEN 20-0110,
 PEN 20-0111, PEN 20-0112 and
 APN 486-290-038

- 2 -

July 3, 2023

251704

- This project is located within the limits of the District's Moreno Area Drainage Plan for which drainage fees have been adopted. If the project is proposing to create additional impervious surface area, applicable fees should be paid (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) to the Flood Control District or City prior to issuance of grading or building permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.
- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, Moreno Master Drainage Plan Line I. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.
- The District's previous comments on January 28, 2022 are still valid.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy.

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,



AMY MCNEILL
 Engineering Project Manager

Attachments

c: Riverside County Planning Department
 Attn: Timothy Wheeler

EM:mm

Attachment: Initial Study Comments (6364) : Appeal of Planning Commission approval of the Cactus Ave/Nason St Commercial/Office/Retail

July 12th 2023

Public Hearing Testimony regarding Nason and Cactus
 APN 486-290-038
 Request for recording in public record

Hello, my name is Brian Foster. I am a US Marine Corps Special Forces Scout Sniper, and 100% disabled Veteran. I have also worked for our counties Intelligence agencies. I have fought in both the Iraq and Afghanistan wars. I still work with the VA to support or nation. I believe in our County and my City Moreno Valley, where I have lived since 1987. I bought my house here in 2001 with my wife and now young son, where we raise animals and grow our own food.

Im excited to see the city working towards a brighter future. Im asking the city to modify this purposed plan on Nason and Cactus. I have spoke with the developer about this modification and I understand it is in his best financial interest to keep his current plan. Danny Simon, the developer has been very friendly and I appreciate his open communication about his intentions with the land.

Modification:

Due to economic and health issues deny the permitted use of fueling stations, 24 hr business, and alcohol sells on the corner of Nason and Cactus (APN 486-290-038).

Justification:

1- The California Air Resource Board and the World Health Organization (WHO) state that living in close proximity to a fueling station causes Leukemia, Cancer, Kidney damage, respiratory issues, and much more. You can find more information on their websites. This gas station will be located within their stated proximity to our Riverside County hospital, a senior citizen living center, a dialysis center, and city zoned homes for agriculture and animal husbandry.

2- Economics, homes within 1/4 mile of a petroleum fueling station sell for 16% less. For homes in this area that is over 100k for each house.

3- California is stopping the selling of new gas powered vehicles by 2035. In 2021 the city of Petaluma became the first California city to prohibit new petroleum fueling stations followed by 4 other cities. At least 6 other cities are developing policies to include the city of Los Angeles. According to leading economic reposts petroleum stations will no longer be a profitable business in California.

4- traffic, our Emergency Medical Services (EMS) unfortunately use this route daily and repose times are already delayed do to traffic at this corner. 24 hr business and high

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JUL 12 2023

July 12th 2023

traffic business will delay access to the County Hospital, Senior Center, dialysis center, and our homes. Often in life threatening situations where every second counts.

5- Crime, I work with and have family members in local law enforcement. They are understaffed and forced to work overtime and cannot currently keep up with crime in this area. According to the local Law Enforcement officers I have spoke with these business would not be a good fit. This area is better suited for medical offices, healthy eating options, and many other profitable and sustainable business.

Lets work together to continue to make Moreno Valley a desirable place to live. In my experience, no one wins in a fight overseas and at home only the Lawyers win.

Thank you for you time,
USMC Veteran and proud resident of Moreno Valley

Brian Foster
951.204.8890
Eastmorenovalley@gmail.com

Form:

The Staff and patients located at the Integrated Care Community and assistant, senior living center.

14315 Nason St, Moreno Valley, CA 92555

Attachment: Planning Commission Public Comments (6364 : Appeal of Planning Commission approval of the Cactus Ave/Nason St

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JUL 13 2023

CITY OF MORENO VALLEY
Planning Division

7-12-2023

To whom my concern

We are against a gas station being put so close to the assisted facility and hospital having a gas station within close proximity to a respiratory compromised patients and residents can cause further complications and decrease health quality due to toxic contaminants in the air come from the gas station

Gas station corner of cactus and Nason

Thanks

Cynthia B...
Silvia...
H...
Plena Diaz
Juanita...
 Sebuc BROWN
 Emely Rodriguez
 E. Cantill
L...
John...
 Sy Chon
Susan...
 Jonathan Fuentes

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JUL 13 2023

CITY OF MORENO VALLEY
Planning Division

L. Lopez
Jim Robinson

Edward Barraza

George Webb

Walt Johnson

Hattie Smith

M. J. Leath

Erma Bates

Sylvia J. Barrett

My Robison

Harriet Harper

Manuel Hernandez

Manuel Hernandez

Angella Thompson Shaw

Juliet L. West

[Signature]

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JUL 13 2023

CITY OF MORENO VALLEY
Planning Division

July 13th 2023

Notice for public recording
Regarding Nason and Cactus project (APN 486-290-038)

My name is Summer Foster. I worked as a nurse in cardiology for over 12 years. I mention this because I feel I have the understanding to acknowledge the obvious health concerns with living next to a gas station. Many of which I will explain. My family has called Moreno Valley home since 1962. We have all been active members of this community. As well as my husband, Brian foster, veteran of the Marine Corps. We have served our community together as members of the Moreno Valley Rotary club for many years. We have a 10-year-old son whom we homeschool due to severe asthma and allergies bringing me to my concerns. A gas station omits ground level ozone that pollutes the air and soil this ground level ozone causes respiratory problems and damages crops, causing serious health and environmental issues. The California Air Resources Board indicates more than 13 contaminants in gasoline with Benzene being the most toxic. Benzene is a known carcinogen, a substance that causes cancer, as well as kidney, brain and respiratory damage. These are just a few concerns for our community. It is our cities responsibility to protect its people old, young, and vulnerable especially in the sensitive ground used areas such as medical facilities, daycare's and residential. I have received 30 signatures from workers and residents of the integrated care communities whom all oppose the placement of a gas station. Most of its residents are oxygen dependent and have compromised immune systems just like my son. Any extra toxic overload will be detrimental to their health. Traffic also poses a concern for EMS and AMR delaying their response time to and from the hospital. With all these concerns and many others to consider my question is the placement of a gas station in this particular area a compatible fit? Is this a matter of profit over well-being? We bought our home 22 years ago with intentions to cultivate a healthy way of life, never would we have done so if there was a gas station across the street our intentions are to continue to create a safe and healthy space for our son. I do not want our sanctuary that we have worked so hard for destroyed. I do not support the plan for a gas station near our home. The residence on Lynnlee request speed bumps as well as no entrance or exit into LynnLee and monetary compensation for property loss. We deserve to thrive and feel safe in our homes and community.

Summer Foster, 14560 Lynnlee Lane a Private road Moreno Valley
summerdawn@gmail.com



7/13/2023

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JUL 13 2023

CITY OF MORENO VALLEY
Planning Division

Packet Pg. 919

Attachment: Planning Commission Public Comments (6364 : Appeal of Planning Commission approval of the Cactus Ave/Nason St

Notice for public record
 Regarding Cactus and Nason project
 APN 486-290-038

The residence located on Lynnlee Lane (a private road) and Damascus Road ask for the following modification to the project.

1. No petroleum fueling station.
2. No 24 hour businesses
3. No alcohol selling businesses
4. Speed bumps be installed on Lynn Lee Lane
5. Monetary compensation for loss of property value, and well-being
6. No entry points into the complex directly from Lynn Lee Street

Lynn Lee is a private road and due to the heavy congestion and delay in traffic this Street is now used as a daily through a fair to avoid the traffic signal on Cactus and Nason. It is no longer safe for our children to play in front of our homes due to the speeding cars. We can't even imagine how bad it will be once there is an entry point from Lynnlee into a gas station. We already experience higher crime and the selling of alcohol and 24 hour Businesses will only aggravate the situation.

There is overwhelming evidence on why a petroleum station is a bad fit for the surrounding community with both economic and health concerns.

The homes directly connected to this project are zoned for agricultural an animal use. 24 hour businesses create 24 hour traffic, noise and light that disturbed both of our animals and our crops. Our city and community have spent a lot of time and money installing equestrian trails and an equestrian park that lead right up to this proposed build site.

With a rise in crime and homelessness in this area. Foot traffic from patients with mental and physical illness will have walking access to alcohol. We feel that the selling of alcohol next to our community and the Riverside County hospital is not a good fit. We have plenty of alcohol, selling restaurants, grocery stores, convenient stores, and gas stations located within one and a half miles of this location. We already experience hospital patents wondering around lost sometimes screaming in pain around this area. A mens recovery home many of which are recovering alcoholics is also located on Damascus road.

Do to the 4th of July weekend we where unable to contact the Riverside county Hospital, Child day care, and dialysis center as many management level staff member were on vacation. We did find out that the Senior Citizen center was not notified about all these concerns.

Thank You for you time,

Lynnlee lane and Damascus road Moreno Valley residence.

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JUL 13 2023

CITY OF MORENO VALLEY
 Planning Division

Notice for public record
To: City of Moreno Valley

To whom it may concern,

I oppose the building of a gas station on the corner of Nason and Cactus. This would not be a good fit for this area of Moreno Valley due to high traffic causing delay for AMR and EMS response time at the local hospital as well as environmental and health issues with the harmful contaminants of gasoline.

There is also an assisted living facility in the same area as the hospital who's residents are on oxygen as well as respiratory compromise. In the same area is also a Daycare.

This would not be in the benefit of the hospital, the assisted living facility and daycare due to harmful toxic contaminants omitted by the gas station.

Signed (MV Resident since 1985)
Rachael Franco

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JUL 13 2023

CITY OF MORENO VALLEY
Planning Division

JASON E. UHLEY
General Manager-Chief Engineer



1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
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www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

251839

July 13, 2023

City of Moreno Valley
Community Development Department Planning Division
Post Office Box 88005
Moreno Valley, CA 92552-0805

Attention: Mr. James Troyer

Re: PEN 21-0289, PEN 23-0081, PEN 23-0082,
PEN 23-0083, PEN 20-0110, PEN 20-0111,
PEN 20-0112, TPM 37942, PEN 21-0288 and
APN 486-290-038

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City of Moreno Valley
 Re: PEN 21-0289, PEN 23-0081, PEN 23-0082,
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- 2 -

July 13, 2023

251839

finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

- This project is located within the limits of the District's Moreno Area Drainage Plan for which drainage fees have been adopted. If the project is proposing to create additional impervious surface area, applicable fees should be paid (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) to the Flood Control District or City prior to issuance of grading or building permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.
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- The District's previous comments dated July 3, 2023 and January 28, 2022 are still valid.

GENERAL INFORMATION

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If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,



AMY MCNEILL
 Engineering Project Manager

Attachments

c: Riverside County Planning Department
 Attn: Timothy Wheeler
 EM:mm



Winchester Associates, Inc.

CIVIL ENGINEERING • LAND SURVEYING • PLANNING

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STREET ADDRESS
23640 Tower St., Suite 3
Moreno Valley, CA 92553

Mayor Cabrera
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552

August 24, 2023

RE: PA19-0017 – Commercial project appeal NE corner of Cactus / Nason

Dear Mayor Cabrera and Councilmembers;

As we talked about last month, the appeal of our project is scheduled for the 09-05-2023 agenda. The 8.4 acre project is across the street from the RUHS Medical center that employs 2700 medical professions, and students entering the medical profession. The site is a hub of commercial activity in our community.

The proposal includes medical and business offices, a gas station, 2 fast food restaurants, a sit-down restaurant, and a drive-through coffee shop. The proposal includes enhanced parking for car poolers, electric / low-emission vehicles, and bicycles. Also provided are pedestrian-friendly pathways, patios and grass-lined areas in compliance with the City's new Downtown Center zoning. The project was submitted in 2020. Submittals included architectural, engineering, and landscaping plans, as well as numerous environmental studies including those related to air quality, green house gases, and health risks. The project was unanimously approved by the Planning Commission in July.

The Appeal seems to be focused on air quality/health, and crime, issues that were thoroughly discussed at the Planning Commission. While it is common for commercial centers, including gas stations, to be near residences even in high-end residential neighborhoods, all necessary air-quality related studies were nonetheless performed for this proposal. We have attached an in-depth response from ECORP, the project's environmental scientists, specifically addressing the health impacts from the project. Their analysis concludes the proposed project is well withing the threshold limits established by the regulatory agencies.

We plan to attend the Council hearing and will have the architect, traffic engineer, and environmental planner prepared to address any questions the Council may have.

I would appreciate the opportunity to meet with you and any available Councilmember individually, in-person or by phone, to address any concerns. The property owner will also make himself available if you'd like. I can be reached by email or phone listed below.

Thank you,
David J. Slawson, PLS, Esq.
President
(951) 5297069
slawson@wai-eng.com

Attachment: Applicants Letter - August 24, 2023 (6364 : Appeal of Planning Commission approval of the Cactus Ave/Nason St



August 22, 2023

MV Cactus 9, LLC
22647 Ventura Boulevard #576
Woodland Hills, California 91364

Subject: Cactus Avenue and Nason Street Commercial Office and Retail Development Project – Planning Commission Appeal Response

PURPOSE

On July 24, 2023, the City of Moreno Valley Planning Division received an appeal to the City Planning Commission’s approval of the Cactus Avenue and Nason Street Commercial Office and Retail Development Project Initial Study/Mitigated Negative Declaration. Per the Appeal Letter, the primary concern is associated with the proposed gasoline station component of the Project; specifically, the potential for neighborhood “contamination” instigated by “gas spillage”.

The memorandum presents a response to these concerns.

APPEAL RESPONSE

In February 2023, ECORP Consulting prepared the Cactus Avenue and Nason Street Commercial Office and Retail Development Project Air Quality and Greenhouse Gas Emissions Assessment in order to document the analysis of potential environmental impacts associated with air quality and greenhouse gas emissions for the Cactus Avenue and Nason Street Commercial Office and Retail Development Project (Project), which includes the construction of an 89,745-square-foot (sf) commercial/retail development in the City of Moreno Valley in Riverside County. This assessment was prepared using methodologies and assumptions recommended in the rules and regulations of the South Coast Air Quality Management District (SCAQMD).

Since a gasoline dispensing facility is proposed as a component of Project, a Health Risk Assessment (HRA) was prepared as part of the Air Quality and Greenhouse Gas Emissions Assessment (Assessment). As stated in the Assessment, gasoline vapor consists of the toxic air contaminants (TACs), benzene, ethyl benzene, n-hexane, naphthalene, propylene (or propene), xylenes, and toluene. Since gasoline would be delivered to the site with the use of heavy-duty trucks, the TAC, diesel particulate matter (DPM) was also included and analyzed in the HRA. Specifically, health risks associated with gasoline vapor and DPM concentrations that would be emitted by the proposed gasoline dispensing station and the heavy-duty trucks delivering gasoline to the site during Project operations were modeled using the HARP2 modeling program provided by the California Air Resources Board (CARB), with regulatory default settings, to perform the dispersion and health risk modeling for this analysis. HARP2 implements the latest regulatory guidance to develop inputs from the U.S. EPA AERMOD pollutant dispersion model for calculations of the various health risk levels. AERMOD is a steady-state plume model that incorporates air dispersion based on planetary

boundary layer turbulence structure and scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. The resultant concentration values at vicinity sensitive receptors are used to calculate chronic and carcinogenic health risk using the standardized equations contained in the Office of Environmental Health Hazard Assessment (OEHHA) Guidance Manual for Preparation of Health Risk Assessments (2015).

Project related onsite sources were modeled into AERMOD to account for the fueling, spillage and hose permeation occurring at the fueling canopy, loading and breathing from the underground storage tanks, and heavy-duty truck movement on area roadways carrying fuel to the Project Site. The fueling, spillage and hose permeation were modeled as two volume sources placed at the location of the proposed canopy with source dimensions and parameters set forth by CARB. Loading and breathing from the underground storage tanks were modeled as two point sources at the location of the proposed tanks with parameters set forth by CARB. Heavy-duty movement on area roadways carrying fuel to the Project Site were modeled as line volume sources exiting the Project Site onto Cactus Avenue and traversing west towards Interstate 215 totaling 1.8 miles. A conservative estimate of two fuel trucks per day was assumed in the modeling.

Based on the OEHHA methodology, the residential inhalation cancer risk from the annual average TAC concentrations is calculated by multiplying the daily inhalation or oral dose, by a cancer potency factor, the age sensitivity factor, the frequency of time spent at home, and the exposure duration divided by averaging time, to yield the excess cancer risk. The daily inhalation or oral dose is based on breathing rates determined for specific age groups (infants and school-aged children breathe at higher rates than adults). Age sensitivity factors account for the increased sensitivity to carcinogens during early-in-life exposure (infants and school-aged children are more susceptible to the negative effects of TAC exposure than adults). The calculated frequency of time spent at home equates to 85 percent for infants in their third trimester of age to 2 years old, 72 percent of the time for children aged 2 through 16, and 73 percent of the time for all other age groups. While the average American spends 87 percent of their life indoors per the U.S. EPA's National Human Activity Pattern Survey (2001), neither the pollutant dispersion modeling nor the health risk calculations account for the reduced exposure structures provide.

CANCER RISK

Cancer risk is expressed in terms of expected incremental incidence per million population. The SCAQMD has established an incidence rate of 10 persons per million as the maximum acceptable incremental cancer risk due to TAC exposure. This threshold serves to determine whether or not a given project has a potentially significant development-specific and cumulative impact. The 10-in-one-million standard is a very health-protective significance threshold. A risk level of 10 in one million implies a likelihood that up to 10 persons out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day) to the levels of TACs over a specified duration of time. This risk would be an excess cancer that is in addition to any cancer risk borne by a person not exposed to these air toxics. To put this risk in perspective, the risk of dying from accidental drowning is 1,000 in a million, which is 100 times more than the SCAQMD's threshold of 10 in one million.

As identified in Table 2-10 of the Assessment, the highest calculated cancer risk as a result of the Proposed Project is an increased incidence rate of 0.84 persons in one million, which is below the SCAQMD threshold of 10 persons in one million.

NON-CARCINOGENIC RISK

In addition to cancer risk, the significance thresholds for TAC exposure require an evaluation of non-cancer risk stated in terms of a hazard index. Non-cancer chronic impacts are calculated by dividing the annual average concentration by the Reference Exposure Level, as determined by OEHHA, for that substance. The Reference Exposure Level is defined as the concentration at which no adverse non-cancer health effects are anticipated. A hazard index of less than one (1.0) means that adverse health effects are not expected, per the SCAQMD.

As identified in Table 2-11 of the Assessment, the chronic hazard index as a result of the Proposed Project equates to 0.0028 and the acute hazard index equates to 0.0588 and therefore impacts related to non-cancer risk (chronic and acute hazard index) as a result of the Project would not surpass significance thresholds.

CONCLUSION

A HRA was prepared as part of the Assessment to analyze the health-related effects of exposure by sensitive receptors to Project gasoline vapors and DPM. Health risks associated with gasoline vapor and DPM concentrations that would be emitted by the proposed gasoline dispensing station and the heavy-duty trucks delivering gasoline to the site during Project operations were modeled using the HARP2 modeling program provided by CARB, with regulatory default settings, to perform the dispersion and health risk modeling for this analysis. HARP2 implements the latest regulatory guidance to develop inputs from the U.S. EPA AERMOD pollutant dispersion model for calculations of the various health risk levels. The highest calculated cancer risk as a result of the Proposed Project is an increased incidence rate of 0.84 persons in one million, which is below the SCAQMD threshold of 10 persons in one million. Additionally, the chronic hazard index as a result of the Proposed Project equates to 0.0028 and the acute hazard index equates to 0.0588 and therefore impacts related to non-cancer risk (chronic and acute hazard index) as a result of the Project would not surpass significance thresholds.



Report to City Council

TO: Mayor and City Council

FROM: Sean P. Kelleher, Community Development Director

AGENDA DATE: September 5, 2023

TITLE: ADOPTION OF COUNTY ORDINANCES NUMBERS 523 AND 640 REGARDING CONTROL OF VECTORS AND ESTABLISHING ENVIRONMENTAL HEALTH SERVICES FEES AND PENALTIES (ORD. NO. XXX), AND FINDING THE ACTION EXEMPT FROM CEQA

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Introduce and conduct first reading of Ordinance No. XXX, amending Title 6 of the City of Moreno Valley Municipal Code, adding Chapter 6.16, adopting by reference Riverside County Ordinance No. 523; and amending Title 3 of the City of Moreno Valley Municipal Code, adding Chapter 3.52, adopting by reference Riverside County Ordinance No. 640.
2. Schedule a public hearing to receive public input regarding adoption of Ordinance No. XXX on October 3, 2023, and consider adoption of Ordinance No. XXX upon conclusion of said public hearing.
3. Find the action exempt from California Environmental Quality Act (CEQA) pursuant to 15061(b)(3) of CEQA Guidelines.

BACKGROUND

Pursuant to California Government Code 50022.4, adoption of certain ordinances by reference requires specific procedural steps. If the City Council approves the first reading of the ordinance, the City Council should then set a date and time for public hearing regarding adoption of the ordinance; City must publish a public hearing notice under Government Code 6066; and, after said public hearing, the City Council may then amend, adopt or reject adoption of the ordinance.

SUMMARY

The Memorandum of Understanding (“MOU”) between the City of Moreno Valley and Riverside County, Department of Environmental Health, provides for the County to provide vector control services within jurisdictional boundaries of the City.

The MOU provides that City shall enact regulations to allow for billing of fees by County for vector control services to be rendered, and to directly bill any applicant for applicable environmental planning review services, according to Riverside County Ordinance Nos. 523 and 640.

The MOU further provides that County shall provide environmental planning review, technical assistance, and plan review for onsite wastewater treatment systems in accordance with Riverside County Local Agency Management Program.

DISCUSSION

The City of Moreno Valley and Riverside County, Department of Environmental Health, entered into that certain Memorandum of Understanding having an effective date of July 1, 2022. Pursuant to the MOU, the County has agreed to provide vector control services within jurisdictional boundaries of the City, that include mosquito surveillance and control, and fly, rodent and cockroach advice. Community awareness, public presentations, consultations, and public education with flyers and booklets can also be provided upon request. Pursuant to the MOU, County will submit quarterly itemized billings, and the City will pay County at the rate in Riverside Ordinance No. 640 for the cost of specific services rendered within City boundaries, not to exceed \$200,000 for the five (5) year MOU term, unless otherwise agreed between City and County. Any applicable administrative citations amounts charged by County against City residents and/or businesses for any actions taken by County will be used to offset amounts charged to City, less the cost of processing the citation.

The MOU further provides that County shall provide environmental planning review, technical assistance, and plan review for onsite wastewater treatment systems in accordance with Riverside County Local Agency Management Program; that City shall enact regulations to allow for billing of fees by County for said services to be rendered, according to Riverside County Ordinance No. 640; and City will enact necessary ordinances to allow County to directly bill any applicant for applicable services.

In order to effectuate the MOU, the MOU provides, in relevant part, that the City shall adopt Riverside County Ordinance No. 523, codified in Chapter 8.36 et. Seq. of the Riverside County Code of Ordinances, an “Ordinance of the County of Riverside Relating to the Control of Vectors and Incorporating by Reference Ordinance No. 725,” which generally consists of regulations regarding control of vectors.

City staff recommends that the City adopt and incorporate by reference County Ordinance No. 640 into Title 3 (“Revenue and Finance”) of the Moreno Valley Municipal Code, as set forth herein, subjecting certain project proponents to payment of any applicable fees as set forth therein, and authorizing County to charge and collect such

fees for services rendered; and that the City incorporate by reference County Ordinance No. 523 into Title 6 of the Moreno Valley Municipal Code.

Government Code 50022.4 requires that penalty clauses may be enacted only if set forth in full, and published, in the adopting ordinance. Accordingly, Sections 3.52.020 (“Delinquency Dates and Penalties”), 3.52.030 (“Violation – Penalties”) Sections 6.16.020 (“Administrative Penalties”), 6.16.030 (“Criminal Penalties”), and 6.16.040 (“Civil Actions”) of Riverside County Code of Ordinances, are set forth in the attached ordinance.

ENVIRONMENTAL REVIEW

The proposed Municipal Code 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.

ALTERNATIVES

The City Council has following alternatives to consider:

1. Introduce and conduct the first reading of the proposed Ordinance adopting by reference Riverside County Ordinance Nos. 523 and 640, in accordance with the MOU between the City of Moreno Valley and Riverside County, Department of Environmental Health, and schedule a public hearing to receive public input regarding adoption of proposed ordinance as outlined in this report and consider adoption of said ordinance. *Staff recommends this alternative.*
2. Do not introduce, nor pursue, the adoption of the proposed Ordinance adopting by reference Riverside County Ordinance Nos. 523 and 640 as outlined in this report. *Staff does not recommend this alternative.*

FISCAL IMPACT

There is no fiscal impact with the adoption of this Ordinance.

Projected expenditures for vector control services are included in the adopted budget approved by City Council, and as approved by City Council in the July 1, 2022, Memorandum of Understanding with Riverside County, Department of Environmental Health.

Fees for applicable environmental planning review services shall be directly billed to project applicants by County.

NOTIFICATION

Publication of the Agenda.

PREPARATION OF STAFF REPORT

Prepared By:
James Verdugo
Building Division Manager/Building Official

Department Head Approval:
Sean P. Kelleher
Community Development Director

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.

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. 2023-XX ORDINANCE ADOPTING BY REFERENCE RIV COUNTY ORDS 523 AND 640 20231003

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	8/27/23 9:31 AM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	8/28/23 8:43 AM

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING CHAPTER 6.16 (“RIVERSIDE COUNTY ORDINANCE NO. 523 CONTROL OF VECTORS”) TO TITLE 6 (“HEALTH AND SANITATION”) OF THE MORENO VALLEY MUNICIPAL CODE, ADOPTING BY REFERENCE RIVERSIDE COUNTY ORDINANCE NO. 523, AS AMENDED THROUGH 523.3, “AN ORDINANCE OF THE COUNTY OF RIVERSIDE RELATING TO THE CONTROL OF VECTORS AND INCORPORATING BY REFERENCE ORDINANCE NO. 725”, CODIFIED AS CHAPTER 8.36 (“CONTROL OF VECTORS”) ET SEQ. OF RIVERSIDE COUNTY CODE OF ORDINANCES; AND ADDING CHAPTER 3.52 (“RIVERSIDE COUNTY ORDINANCE NO. 640 ENVIRONMENTAL HEALTH SERVICES FEES”) TO TITLE 3 (“REVENUE AND FINANCE”) OF THE MORENO VALLEY MUNICIPAL CODE, ADOPTING BY REFERENCE RIVERSIDE COUNTY ORDINANCE NO. 640 (AS AMENDED THROUGH 640.10) “AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 640 ESTABLISHING ENVIRONMENTAL HEALTH SERVICES FEES”, CODIFIED IN RIVERSIDE COUNTY CODE, CHAPTER 4.52 (“ENVIRONMENTAL HEALTH SERVICES FEES”)

WHEREAS, the City of Moreno Valley and Riverside County, Department of Environmental Health, entered into that certain Memorandum of Understanding having an effective date of July 1, 2022 (“MOU”). In relevant part, the MOU provides that the City shall adopt Riverside County Ordinance No. 523, codified in Chapter 8.36 et. Seq. of the Riverside County Code of Ordinances; and

WHEREAS, the County of Riverside (“County”) represents it has duly adopted Ordinance No. 523, as amended through 523.3, an “Ordinance of the County of Riverside Relating to the Control of Vectors and Incorporating by Reference Ordinance No. 725,” (collectively “Ordinance No. 523”) which generally consists of regulations regarding control of vectors; and

WHEREAS, pursuant to the MOU, the County has agreed to provide vector control services within jurisdictional boundaries of the City, that include mosquito surveillance and control, and fly, rodent, and cockroach advice. Community awareness, public presentations, consultations, and public education with flyers and booklets can also be provided upon request; and

WHEREAS, County will submit quarterly itemized billings, and the City will pay County at the rate in Riverside Ordinance No. 640 for the cost of specific services rendered within City boundaries, not to exceed \$200,000 for the five (5) year MOU term, unless otherwise agreed between City and County. Any applicable administrative citations amounts charged by County against City residents and/or businesses for any actions taken by County will be used to offset amounts charged to City, less the cost of processing the citation; and

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Ordinance No. ____

Date Adopted: _____

Attachment: 2023-XX ORDINANCE ADOPTING BY REFERENCE RIV COUNTY ORDS 523 AND 640 20231003 (6333 : ADOPTION OF COUNTY

WHEREAS, City staff has recommended that the City incorporate by reference County Ordinance No. 523 into Title 6 of the Moreno Valley Municipal Code, as set forth herein; and

WHEREAS, the MOU further provides that County shall provide environmental planning review, technical assistance, and plan review for onsite wastewater treatment systems in accordance with Riverside County Local Agency Management Program; that City shall enact regulations to allow for billing of fees by County for said services to be rendered, according to Riverside County Ordinance No. 640; and City will enact necessary ordinances to allow County to directly bill any applicant for applicable services; and

WHEREAS, the County of Riverside (“County”) represents it has duly adopted an “Ordinance of the County of Riverside Amending Ordinance No. 640 Establishing Environmental Health Services Fees” (as amended through 640.10) (collectively “Ordinance No. 640”), codified in Chapter 4.52 (“Environmental Health Services Fees” of Riverside County Code; and

WHEREAS, City staff has recommended that the City adopt and incorporate by reference County Ordinance No. 640 into Title 3 (“Revenue and Finance”) of the Moreno Valley Municipal Code, as set forth herein, subjecting certain project proponents to payment of any applicable fees as set forth therein, and authorizing County to charge and collect such fees for services rendered.

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 as though fully set forth herein.

Section 2. ADOPTION OF RIVERSIDE COUNTY ORDINANCE NO. 523 BY REFERENCE, ADDING CHAPTER 6.16 (“RIVERSIDE COUNTY ORDINANCE NO. 523 CONTROL OF VECTORS”) TO TITLE 6 OF THE MORENO VALLEY MUNICIPAL CODE

A. That the City Council hereby adopts Riverside County Ordinance No. 523, an “Ordinance of the County of Riverside Relating to the Control of Vectors and Incorporating by Reference Ordinance No. 725,” as may be amended, which is incorporated by reference as though set forth at length herein, upon the effective date of this ordinance, and desires the County enforce said ordinances within the jurisdictional boundaries of the City during the term of the MOU, as may be terminated early or extended, or during the term of any agreement between City and County which expressly grants County said rights. Government Code 50022.4 requires that penalty clauses may be enacted only if set forth in

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Ordinance No. ____

Date Adopted: _____

Attachment: 2023-XX ORDINANCE ADOPTING BY REFERENCE RIV COUNTY ORDS 523 AND 640 20231003 (6333 : ADOPTION OF COUNTY

full, and published, in the adopting ordinance. Accordingly, Sections 6.16.020 (“Administrative Penalties”), 6.16.030 (“Criminal Penalties”), and 6.16.040 (“Civil Actions”) are hereby adopted by the City in the form as set forth in Ordinance 640. All terms and phrases shall have the same definition as set forth in the Riverside County Code.

B. That Chapter 6.16 (“Riverside County Ordinance No. 523 Control of Vectors”) is hereby added to Title 6 of the Moreno Valley Municipal Code as follows:

6.16 RIVERSIDE COUNTY ORDINANCE NO. 523 CONTROL OF VECTORS

6.16.010 Adopted.

Riverside County Ordinance No. 523, as amended through 523.3, an “Ordinance of the County of Riverside Relating to the Control of Vectors and Incorporating by Reference Ordinance No. 725,” and as may be amended in the future, is adopted and made a part of this chapter by reference.

6.16.020 Administrative Penalties.

A. The penalties assessed for each violation shall not exceed the following amounts:

- 1. \$100.00 for a first violation;
- 2. \$200.00 for a second violation of this Ordinance within one (1) year from the date of the first violation; and
- 3. \$500.00 for each additional violation of this Ordinance within one (1) year from the date of the first violation.

B. If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified in Section 6.D.1., above.

C. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.

D. The penalties assessed shall be payable to the County of Riverside.

6.16.030 Criminal Penalties

Any person who neglects or refuses to abate a condition found by the Enforcement Officer to be in violation of this Ordinance within the time specified in a written notice shall be in violation of the provisions of this ordinance and shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person(s) shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued, or permitted. Any person deemed guilty of violating this ordinance shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty

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Ordinance No. ____

Date Adopted: _____

Attachment: 2023-XX ORDINANCE ADOPTING BY REFERENCE RIV COUNTY ORDS 523 AND 640 20231003 (6333 : ADOPTION OF COUNTY

of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation on the same site. (3) The third and any additional violations on the same site shall constitute an infraction or a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six (6) months in jail, or both. Notwithstanding the above, a first and a second violation may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve an individual from the responsibility for correcting the violation.

6.16.040 Civil Actions

A. Injunctive Relief and Abatement. Whenever, in the judgment of the Enforcement Officer, any person is engaged in any act or practice which constitutes or will constitute a violation of any provision of this Ordinance, or any rule, regulation, order, permit or conditions of approval issued thereunder, upon the request of the Enforcement Officer, the County Counsel or District Attorney may commence proceedings for the abatement, removal, correction and enjoinder thereof, and require the violator to pay civil penalties and/or abatement costs.

B. Civil Remedies and Penalties. Any person, whether acting as principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor or otherwise, who willfully violates the provisions of this Ordinance or any rule, regulation, order or conditions of approval issued thereunder, shall be liable for a civil penalty not to exceed \$1,000.00 for each day or portion thereof, that the violation continues to exist. In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken by the violator.

Section 3. ADOPTION OF RIVERSIDE COUNTY ORDINANCE NO. 640 BY REFERENCE, ADDING CHAPTER 3.52 (“RIVERSIDE COUNTY ORDINANCE NO. 640 ENVIRONMENTAL HEALTH SERVICES FEES”) TO TITLE 3 (“REVENUE AND FINANCE”) OF THE MORENO VALLEY MUNICIPAL CODE

A. That the City Council hereby adopts Riverside County Ordinance No. 640 (as amended through 640.10), “An Ordinance of the County of Riverside Amending Ordinance No. 640 Establishing Environmental Health Services Fees”, codified in Riverside County Code, Chapter 4.52 (“Environmental Health Services Fees”), by reference, as may be amended which is incorporated by reference as though set forth at length herein, upon the effective date of this ordinance, and desires the County enforce said ordinances within the jurisdictional boundaries of the City during the term of the MOU, as may be terminated early or extended, or during the term of any agreement between City and County which expressly grants County said rights. Government Code 50022.4 requires that penalty clauses may be

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Ordinance No. ____

Date Adopted: _____

enacted only if set forth in full, and published, in the adopting ordinance. Accordingly, Sections 3.52.020 (“Delinquency Dates and Penalties”) and 3.52.030 (“Violation – Penalties”) are hereby adopted by the City in the form as set forth in Ordinance 640, and references to sections shall be references to Riverside County Code, except as may be otherwise stated therein. All terms and phrases shall have the same definition as set forth in the Riverside County Code.

B. That Chapter 3.52 (“Riverside County Ordinance No. 640 Environmental Health Services Fee”) is hereby added to Title 3 of the Moreno Valley Municipal Code as follows:

3.52 RIVERSIDE COUNTY ORDINANCE NO. 640 ENVIRONMENTAL HEALTH SERVICES FEES

3.52.010 Adopted.

Riverside County Ordinance No. 640, as amended through 640.10, an “An Ordinance of the County of Riverside Amending Ordinance No. 640 Establishing Environmental Health Services Fees”, codified in Riverside County Code, Chapter 4.52 (“Environmental Health Services Fees”),” and as may be amended in the future, is adopted and made a part of this chapter by reference.

3.52.020 Delinquency Dates and Penalties.

A. The delinquency date shall be, in the case of an initial application, the thirty-first day after commencement of the activity except as to the following:

1. Temporary food facility or occasional event, in which case the receipt specified in this Ordinance shall be delinquent if not obtained earlier than ten working days prior to the day such activity is commenced;

2. Temporary closure of an underground storage tank which shall comply with the requirements as contained in Chapter 8.140, (Ordinance 617);

B. The delinquency date shall be, in the case of renewal, the thirtieth day following the expiration date shown on the receipt.

C. Except as provided in Subsection (A)(1) and (2) of this Section, the delinquency date of a temporary receipt issued pursuant to this Chapter shall be the second day after the commencement of the activity.

D. If any fee specified is not paid prior to the delinquency date, the applicant shall pay, in addition to such fee, a penalty in the amount of twenty (20) percent of such fee; if any fee specified is not paid within thirty (30) days of the delinquency date, the applicant shall pay in addition to such fee, a penalty in the amount of one hundred (100) percent of

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Ordinance No. ____

Date Adopted: _____

Attachment: 2023-XX ORDINANCE ADOPTING BY REFERENCE RIV COUNTY ORDS 523 AND 640 20231003 (6333 : ADOPTION OF COUNTY

such fee, except as to the following:

1. If the fee specified in this Chapter for a mobile home park, recreational vehicle park, incidental camping area is not paid prior to the delinquency date, the penalties for delinquency shall be as follows:

a. If such fees are paid on or after the first day of February and prior to the first day of March of the applicable calendar year, the applicant shall pay, in addition to the fee specified in Section 4.52.130, a penalty of the amount of ten (10) percent of such fee.

b. If such fees are paid on or after the first day of March of the applicable calendar year, the applicant shall pay, in addition to the fee specified in Section 4.52.130, a penalty in the amount of one hundred (100) percent of such fee.

3.52.030 Violations – Penalties

A. Infractions. Any person who violates any of the provisions of this chapter shall be guilty of an infraction and upon conviction thereof shall be punished by: (1) a fine not less than fifty dollars (\$50.00) or to exceed one hundred dollars (\$100.00) for a first violation of this chapter; (2) a fine not less than one hundred dollars (\$100.00) or to exceed two hundred dollars (\$200.00) for a second violation of this chapter within one year; (3) a fine not less than three hundred dollars (\$300.00) or to exceed five hundred dollars (\$500.00) for each additional violation of this chapter after a second violation within one year.

B. Misdemeanor. Notwithstanding the foregoing in subsection A of this section, a first and subsequent offense may be charged and prosecuted as a misdemeanor and upon conviction thereof shall be punished as provided by Penal Code, Section 19 as amended. Each day such violation is committed or permitted to continue shall constitute a separate offense.

C. Correction of Violations. Payment of any penalty established by this chapter shall not relieve a person from responsibility of correcting any violation of this chapter, statute or regulation nor shall it relieve a person from the payment of a late fee imposed under this chapter.

Section 4. DELEGATION OF ADMINISTRATION AND ENFORCEMENT AUTHORITY

That the City Council hereby delegates the non-exclusive authority to the Department of Environmental Health of the County of Riverside to administer and enforce the provisions of Ordinance No. 523 and Ordinance No. 640, as adopted and incorporated herein, within the jurisdictional boundaries of the City, which shall not preclude the City from taking any enforcement action as it deems necessary at any time pursuant to Ordinance No. 523 or any other standards or restrictions imposed by the City on vectors within the City.

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Ordinance No. ____

Date Adopted: _____

Section 5. COLLECTION OF FEES, FINES, AND PENALTIES

That the City Council hereby authorizes the Department of Environmental Health of the County of Riverside to collect such fees and fines duly approved by the County pursuant to all applicable laws and constitutional provisions, that are set forth in and/or related to the administration and enforcement of the provisions of Ordinance No. 523 and Ordinance No. 640, as adopted and incorporated herein, within the jurisdictional boundaries of the City.

Section 6. 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 7. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Moreno Valley 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 adoption.

Section 9. AMENDING OF BAIL SCHEDULE

That the City Attorney is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 10. CERTIFICATION

That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

INTRODUCED at the September 5th, 2023 City Council meeting; APPROVED AND ADOPTED this 3rd day of October, 2023.

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Ordinance No. ____
Date Adopted: _____

Attachment: 2023-XX ORDINANCE ADOPTING BY REFERENCE RIV COUNTY ORDS 523 AND 640 20231003 (6333 : ADOPTION OF COUNTY

Ulises Cabrera, Mayor
City of Moreno Valley

ATTEST:

Jane Halstead, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Ordinance No. 8
Date Adopted: _____

Attachment: 2023-XX ORDINANCE ADOPTING BY REFERENCE RIV COUNTY ORDS 523 AND 640 20231003 (6333 : ADOPTION OF COUNTY



Report to City Council

TO: Mayor and City Council

FROM: Melissa Walker, Public Works Director/City Engineer

AGENDA DATE: September 5, 2023

TITLE: MUNICIPAL CODE AMENDMENTS TO MODIFY PROVISIONS IN TITLE 8, SECTION 8.21.020 – PERMITS REQUIRED AND SECTION 8.21.160 – EROSION CONTROL

RECOMMENDED ACTION

Recommendations:

1. Conduct a Public Hearing on proposed amendments to Section 8.21.020 and Section 8.21.160 of Title 8 of the City of Moreno Valley Municipal Code.
2. Introduce Ordinance No. XXX, an Ordinance of the City Council of the City of Moreno Valley, California, thereby amending the City of Moreno Valley Municipal Code Section 8.21.020 and Section 8.21.160 related to development grading regulations.
3. Set the second reading and adoption of the Ordinance for the next regularly scheduled Council Meeting on October 3, 2023.

SUMMARY

This report recommends adoption of an Ordinance to amend Section 8.21.020 “Permits Required” and Section 8.21.160 “Erosion Control” of the City’s Municipal Code Chapter 8.21 “Grading Regulations” of Title 8 “Building and Construction” in order to be consistent with Federal Emergency Management Agency (FEMA) Community Rating System (CRS) guidelines. The amendment to Section 8.21.020 “Permit Required” will augment the threshold (which triggers the requirement of grading permit) to include site disturbance amount in terms of area. The amendment to Section 8.21.160 “Erosion Control” will specify the threshold for site disturbance amount when an erosion control plan is required.

DISCUSSION

The City currently participates in FEMA's National Flood Insurance Program (NFIP)/Community Rating System (CRS). The current CRS manual specifies how much land can be disturbed (square feet) before Erosion and Sedimentation Control measures are required. Currently, Municipal Code Sections 8.21.020 & 8.21.160 only describe the threshold for volume of earthwork excavation. City Staff is recommending an update to Sections 8.21.020 & 8.21.160 to include adding a threshold of disturbed area (square feet) as recommended by the CRS manual. In order for the City to receive credit for this particular section of the CRS manual, the aforementioned sections of the Municipal Code need to be amended.

The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities exceeding the NFIP requirements. City of Moreno Valley residents and businesses receive a percent discount on flood insurance premium rates directly as a result of the City meeting the goals of the CRS. The City's compliance with the NFIP is mandatory for participation in the CRS.

The proposed Ordinance will include the necessary language as recommended per the CRS manual.

ALTERNATIVES

1. Introduce and amend Section 8.21.020 and Section 8.21.160 of the Moreno Valley Municipal Code regarding grading permit and erosion control plan requirements for development. *Staff recommends this alternative in order to make residents and businesses eligible to purchase flood insurance at a discounted rate. The City would also continue to be eligible to receive federal financial assistance in the event of a Presidential declared emergency due to flooding.*
2. Do not approve the recommended action as presented in this staff report. *Staff does not recommend this alternative because the City would no longer be eligible to participate in the NFIP and CRS. Eligibility for disaster funds due to flooding would be compromised as well as the loss of discounted premiums for flood insurance policies for our residents and business owners.*

FISCAL IMPACT

There is no fiscal impact to the General Fund associated with the proposed ordinance.

NOTIFICATION

Public hearing notice for this code amendment was published in the local newspaper on August 25, 2023.

PREPARATION OF STAFF REPORT

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

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

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

Concurred By:
Harold Zamora, P.E.
Engineering Division Manager/Assistant City Engineer

CITY COUNCIL GOALS

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

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

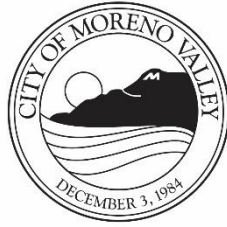
ATTACHMENTS

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

- 1. Notice of City Council Public Hearing - Ordinance for Muni Code 8.21 Update
- 2. Proposed Ordinance No. XXX

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	8/27/23 9:32 AM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	8/28/23 8:38 AM



NOTICE OF CITY COUNCIL PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER AN ORDINANCE AMENDING SECTIONS 8.21.020 AND 8.21.160 OF CHAPTER 8.21 OF TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, PERMITS REQUIRED AND EROSION CONTROL

The proposed Municipal Code revision will include a minimum threshold in terms of area disturbed for when a grading permit is required and for when erosion control implementation is required.

Any person interested in the proposed project may contact Clement Jimenez, Principal Engineer at (951) 413-3121 in the Public Works Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday - Thursday and 7:30 a.m. to 4:30 p.m. on Fridays) or may telephone (951) 413-3120 for further information.

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council on or before the following meeting date:

Tuesday, September 5, 2023
6:00 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805

Upon request, this Public Hearing Notice 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 these activities hearing should direct such requests to the ADA Coordinator, at 951.413.3350 at least 72 hours before the activity. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility and participation in this meeting or event.

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 8.21.020 AND SECTION 8.21.160 OF CHAPTER 8.21 OF TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, PERMITS REQUIRED AND EROSION CONTROL

WHEREAS, the City Council of the City of Moreno Valley seeks to comply with the Community Rating System (CRS) program;

WHEREAS, the CRS program recommends revising the City’s Municipal Code to quantify earth disturbance requirements by area rather than just by volume;

WHEREAS, the City seeks to remain in compliance with the CRS program.

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

SECTION 1. RECITALS

The recitals set forth above are true and correct and are incorporated herein by reference.

SECTION 2: MUNICIPAL CODE AMENDED

Title 8 of the City of Moreno Valley Municipal Code is hereby amended as follows:

Section 8.21.020(A)(2) of Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is deleted and replaced with the following:

“8.21.020(A)(2) An excavation which does not disturb more than one thousand (1,000) square feet in area or not exceed fifty (50) cubic yards on any one site and which is less than two feet in vertical depth, and which does not create a cut slope greater than five feet in vertical height and steeper than one and one-half to one (1.5:1) horizontal to vertical.”

Section 8.21.020(A)(9) of Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is deleted and replaced with the following:

“8.21.020(A)(9) A fill less than one foot in depth, placed on natural grade with a slope flatter than five horizontal to one vertical (5:1), which does not disturb more than one thousand (1,000) square feet in area or not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course.”

Section 8.21.020(A)(10) of Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is deleted and replaced with the following:

Attachment: Proposed Ordinance No. XXX [Revision 2] (6341 : MUNICIPAL CODE UPDATE – SECTIONS 8.21.020 AND 8.21.160)

“8.21.020(A)(10) A fill less than three feet in depth, not intended to support structures or mobile homes, which does not disturb more than one thousand (1,000) square feet in area or does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course.”

Section 8.21.160(C)(1) of Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is deleted and replaced with the following:

“8.21.160(C)(1) All projects requiring a grading permit must have an erosion control plan submitted for approval. Projects that have an approved erosion control plan from the previous year must submit an updated erosion control plan for approval reflecting existing conditions or necessary changes that are needed for conformance with current conditions.

For those projects that do not require a grading permit, Erosion Control and Sediment Measures must be implemented for land disturbance area of one thousand (1,000) square feet or more.”

SECTION 3. SEVERABILITY

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 4. REPEAL OF CONFLICTING PROVISIONS

All provisions of the City of Moreno Valley Municipal Code as heretofore adopted that are in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. EFFECT OF ENACTMENT:

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:

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:

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

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

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment: Proposed Ordinance No. XXX [Revision 2] (6341 : MUNICIPAL CODE UPDATE – SECTIONS 8.21.020 AND 8.21.160)

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. XXX 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 October, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Attachment: Proposed Ordinance No. XXX [Revision 2] (6341 : MUNICIPAL CODE UPDATE – SECTIONS 8.21.020 AND 8.21.160)



Report to City Council

TO: Mayor and City Council

FROM: Brian Mohan, Assistant City Manager

AGENDA DATE: September 5, 2023

TITLE: APPROVE REVISING POLICY 3.06 TRAVEL & RELATED BUSINESS EXPENSES (ELECTED OFFICIALS) TO ENHANCE THE TRANSPARENCY REPORTING

RECOMMENDED ACTION

Recommendation:

1. Approve revising Policy 3.06 TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS) to include additional transparency requirements for the reporting of the travel and training forms.

SUMMARY

This report discusses the motion from Council, at the August 15, 2023 Council meeting, to increase transparency reporting of Policy 3.06 Travel and Related Business Expenses (Elected Officials). The revisions to this Policy are attached.

DISCUSSION

Approve the revision to increase the reporting transparency of the travel and training forms which would now require Council approval once completed.

ALTERNATIVES

1. Approve the recommended action item 1 as presented in this report.

Or

2. Provide alternate direction.

FISCAL IMPACT

There will be no impact for this action.

NOTIFICATION

Publication of Agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Name: Brian Mohan
Title: Assistant City Manager/CFO/Treasurer

Department Head Approval:
Name: Brian Mohan
Title: Assistant City Manager/CFO/Treasurer

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. 3.06 - Travel and Related Business Expenses (Elected Officials) 09.05.23 Redline
- 2. 3.06 - Travel and Related Business Expenses (Elected Officials) 09.05.23 Final

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	8/29/23 8:01 AM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	8/29/23 9:23 AM

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

PURPOSE: This policy is intended to provide clarity in determining what expenses are reimbursed to City Elected Officials by the City of Moreno Valley (“The City”) in order to enhance public confidence in the oversight of expenses incurred by City Elected Officials.

SCOPE: This policy applies to the members of the City of Moreno Valley City Council.

POLICY:

I. General

- A. California Assembly Bill 1234 requires the adoption of reimbursement policies that specify necessary and reasonable expenses that demonstrate a substantial benefit to the City.
1. Some of these necessary and reasonable expenses that would be beneficial to the City include:
 - i. Discussing community concerns with regional, state and national government representatives;
 - ii. Participating in regional, state and national organizations whose activities affect the City;
 - iii. Attending educational seminars designed to improve the skills and information levels of officials; and
 - iv. Promoting public service and morale by recognizing such service.
- B. This policy establishes business expense guidelines for members of the City Council subject to the Ralph M. Brown Act and California Constitution provisions governing open meetings, including the City Council, pursuant to the requirements of AB 1234.
- C. This policy specifies the kinds of activities that will be reimbursable for expenses incurred in the performance of the official duties of the City Council.
1. The City will pay for legitimate and reasonable travel-related business expenses, including transportation, lodging, registration fees, meals, and any other related expenses if they are for official business and fit within these guidelines and the guidelines established in Fiscal Policy #3.3 - Travel and Related Business Expenses.
- D. This policy is not intended to address every issue, exception or contingency that may arise in the course of City travel or attendance at meetings. Accordingly, the basic standard that should always prevail is to use good judgment and economy in the use and stewardship of City funds.
- E. This policy also applies to any charges made to a City credit card (Cal-Card), cash advances or other line of credit.
- F. If an official wishes to seek reimbursement for something that has not been adopted by this policy, then the official has the option of seeking prior approval for such reimbursement by action of the City Council.

POLICY:

II. Travel Authorization & Expense Reporting For (“Travel Form”)

- A. The “Travel Form” is a mandatory document whether or not one expects to receive a travel advance or reimbursement for business related travel expenses.

Approved by: City Council
July 11, 2006

Revised: ~~April 2~~ September 5, 2011

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

1. Note: Always use the most up-to-date Travel Form located on the City's Intranet under the "Forms Library" Tab → Financial Forms.
- B. Travel Form - Part I "Travel Authorization"
1. Prior to any travel, the City Official must complete Part 1 "Travel Authorization" of the Travel Form.
 - i. Part I of the Travel Form requires the official to estimate the total cost of the requested travel and provide documentation of cash advances, vendor payments and credit card purchases.
 - ii. Equally important, Part 1 serves as documented authorization to travel on City business and helps identify when the official is traveling on behalf of the City in case of an accident or other incident.
- C. Authorized Expenses
- i. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:
 - a. Communicating with representatives of regional, state and national government on City adopted policy positions;
 - b. Attending educational seminars designed to improve the skill and information levels of officials;
 - c. Participating in regional, state and national organizations whose activities affect the City's interests;
 - d. Recognizing service to the City (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
 - e. Attending City and community events as a representative of the City;
 - f. Implementing a City-approved strategy for attracting or retaining businesses to the City, which will typically involve at least one staff member; and

Approved by: City Council
July 11, 2006

Revised: ~~April 2~~ September 5, 2018

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

- g. Attending meetings such as those listed above for which a meeting stipend is expressly authorized under this policy.
- ii. All other expenditures require prior approval by the City Council. The following expenses also require prior City Council approval:
 - a. International travel;
 - b. Expenses which exceed the annual limits established for each office holder;
 - c. Expenses exceeding \$6,000 per trip.
 - d. Note: Travel with a total cost of \$100 or less does not require the submission of a Travel Form.
 - 1) A Petty Cash Request may be submitted for reimbursement and will be reimbursed per the Petty Cash Policy (Fiscal Policy #3.1).
- iii. City funds, equipment, supplies (including letterhead), and staff time must only be used for authorized City business.

D. Travel Form - Part II "Expense Reporting"

1. Upon *returning* from a trip, a final accounting of the travel is made by completing Part II "Expense Reporting" of the Travel Form; with the completed form being submitted to the Financial and Management Services Department within **15 workdays**.
2. Expense reporting is required in all cases.
 - i. This is mandatory whether or not the advance received is equal to the expenses incurred, whether the official is eligible for additional reimbursement, or whether money is owed to the City.
3. If the official owes the City for the unused balance of a cash advance (other than per diem), they should pay the amount due to the Financial and Management Services Department cashier and attach the receipt to their Travel Form.
4. If the City owes the official money, they may request reimbursement by forwarding the Travel Form to the Financial and Management Services Department along with a Request for Direct Pay.
 - i. Requests for reimbursement by direct pay will be processed on the next available Accounts Payable check run, if submitted by the normal Accounts Payable deadline, but no later than ten workdays following receipt.
 - ii. If the amount requested is \$100 or less, a Petty Cash Request may be submitted for reimbursement.
 - a) Requests for reimbursement by petty cash will be reimbursed per the Petty Cash Policy (Fiscal Policy #3.1).

Approved by: City Council
July 11, 2006

Revised: ~~April 2~~ September 5, 2011

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

5. A final accounting of all expenses related to the trip must be submitted and approved by the City Clerk.
 - i. The official must complete Part II of the Travel form and sign the report attesting to its accuracy.
 - ii. The official must then submit the form, including all required receipts and supporting documentation of expenses, to the City Clerk for approval.
 - iii. The City Clerk is responsible for ensuring that:
 - a) All expenses are reasonable, necessary and consistent with these guidelines.
 - b) Any required receipts are attached.
 - c) The final disposition is correct (balance due City Official or City).
 - d) Any amounts due to the City are fully reimbursed.
 - e) Final accounting of all expenses related to the trip is submitted to the Financial and Management Services Department within **fifteen workdays** following the officials completed travel.
 - e)f) The City Clerk will additionally agendaize the entire travel form, including but not limited to, all of the documentation (receipts, hotel folio, airline ticket, etc) to substantiate each of the travel expenses listed on the report. The agenda will include any travel forms received by an official in the prior month and finalized as described in this section and in section V B 5 below.

E. Unauthorized Expenses

1. Examples of personal expenses that the City will not reimburse include, but are not limited to:
 - i. The personal portion of any trip;
 - ii. Political or charitable contributions or events;
 - iii. Family expenses, including partners' expenses when accompanying official on agency-related business, as well as children or pet-related expenses;
 - iv. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
 - v. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
 - vi. Personal losses incurred while on City business.

Approved by: City Council
July 11, 2006

Revised: ~~April 2~~ September 5, 2011

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

2. No reimbursement shall be made for personal expenses not provided by this policy or the approved City administrative travel policy. (Fiscal Policy #3.3)
3. Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

F. Cash Advance Policy

1. On occasion, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf.
 - i. Such request for an advance should be submitted to the Finance Department no later than 7 working days prior to the need for the advance with the following information:
 - a) The purpose of the expenditure(s);
 - b) The benefits of such expenditure to the residents of the City;
 - c) The anticipated amount of the expenditure(s) (for example: hotel rates, meal costs and transportation expenses); and
 - d) The dates of the expenditure(s).
2. Any unused advance must be returned to the City treasury within two business days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.
3. In the event the Finance Department is uncertain as to whether a request complies with this policy, such individual must seek resolution from the City Council.

G. Credit Card Use Policy

1. The City does not issue credit cards to individual office holders but does have an agency credit card for selected City expenses.
2. City office holders may use the City credit card for such purposes as airline tickets and hotel reservations by following the same procedures as for cash advances.
3. City credit cards may not be used for personal or other non-City expenses, even if the official subsequently reimburses the City.
4. A final accounting of all expenses related to the trip must be submitted in accordance with the approved City administrative travel policy. (Fiscal Policy #3.3)

III. Travel

- A. The City will pay for legitimate and reasonable travel-related business expenses, including transportation, lodging, registration fees, meals, and any other related expenses if they are for official business and fit within these guidelines and those established in Fiscal Policy #3.3.
 1. This policy is designed to provide guidelines specific to Elected Officials; please refer to Fiscal Policy #3.3 - Travel and Related Business Expenses for further information regarding additional City-wide guidelines for business travel.

Approved by: City Council
July 11, 2006

Revised: ~~April 2~~ September 5, 2011

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

B. Transportation

1. The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route.
 - i. Government and group rates must be used when available.
2. Airfare – Airfares that are equal to or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), California State Association of Counties (<http://www.counties.org/discount-travel-program>) and State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.
3. Automobile – The reimbursed mileage rate for use of a private vehicle for City travel will be at the current Standard Federal Mileage Rate set by the IRS. (54.5 Cents per mile as of Jan. 1, 2018).
 - i. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle.
 - ii. This amount does not include bridge and road tolls, which are also reimbursable.
 - iii. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.
4. Car Rental – Rental rates that are equal or less than those available through the State of California's website (<http://www.caltravelstore.com/>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.
5. Taxis/Shuttles/Ride Share Services – Taxis, shuttles or ride sharing fares may be reimbursed, including up to a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.
6. Reasonable incidental travel costs such as parking, tips, gratuities, etc. shall be reimbursed.
7. Expenses for which City officials receive reimbursement from another agency are neither reimbursable nor reportable through the City.

C. Lodging

1. Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay.
 - i. Conferences/Meetings – If such lodging is in connection with a conference, lodging expenses shall not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see next section.
 - ii. Other Lodging – Travelers must request government rates, when available. Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.

 Approved by: City Council
July 11, 2006
Revised: ~~April 2~~ September 5, 2018

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

- iii. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence reimbursable, when available.

D. Meals

1. This policy recognizes that legislative and other regional, state and federal agency business is frequently conducted over meals; sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused and uninterrupted communication about the City's policy concerns.
2. Each meal expenditure must comply with the limits and reporting requirements of local, state and federal law.
3. Reimbursable meal expenses and associated gratuities will not exceed the following rates:
 - a. Breakfast: \$15.71
 - b. Lunch: \$23.56
 - c. Dinner: \$44.50
4. Such amounts will be annually adjusted to reflect changes in the cost of living in accordance with statistics published by the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index, all urban consumers for the Southern California area. (The annual adjustment will be based on this area whether travel is within the area or not.)
5. The City will not pay for alcohol/personal bar expenses.

IV. Communications**A. Telephone/Fax/Cellular**

1. Officials will be reimbursed for actual telephone and fax expenses incurred on City business.
 - i. Telephone bills should identify which calls were made on City business.
2. For cellular calls when the official has a particular number of minutes included in the official's plan, the official can identify the percentage of calls made on public business.

B. Internet

1. Officials will be reimbursed for reasonable Internet access connection and/or usage fees away from home, if Internet access is necessary for City-related business.

V. Expense Reporting Requirements

- A.** Officials must submit their expense reports within 15 workdays of an expense being incurred, accompanied by receipts documenting each expense.
 1. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.
 2. All expenses are subject to verification that they comply with this policy.

Approved by: City Council
July 11, 2006

Revised: ~~April 2~~ September 5, 2011

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

B. Reports to Legislative Bodies

1. At the following meeting of the City Council, each official shall briefly report on meetings attended at City expense.
2. The report may be either a written or oral report. The report should be agendized to comply with Brown Act requirements.
3. The report need not disclose details of confidential conversations, but shall disclose the date and place of the meeting and its general subject matter.
4. If multiple officials attended the same event, a joint report may be made.
- 4-5. The City Clerk will additionally agendize the entire travel form, including but not limited to, all of the documentation (receipts, hotel folio, airline ticket, etc) to substantiate each of the travel expenses listed on the report. The agenda will include any travel forms received by an official in the prior month and finalized as described in section II D above.

C. Compliance With Laws

1. City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws.
 - i. For example, meals are considered “gifts” to legislators that must be reported by them if the total value of gifts given from the City exceeds \$50 in a year; there also is an annual gift limit.
2. All agency expenditures are public records subject to disclosure under the Public Records Act.

D. Violation of this Policy

1. Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:
 - i. Loss of reimbursement privileges;
 - ii. A demand for restitution to the City;
 - iii. The City reporting expenses as income to the elected official to state and federal tax authorities;
 - iv. Civil penalties of up to \$1,000 per day and three times the value of the resources used pursuant to state law; and
 - v. Prosecution for misuse of public resources.

 Approved by: City Council
 July 11, 2006

 Revised: ~~April 2~~ September 5, 2011

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

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POLICY:

I. General

- A. California Assembly Bill 1234 requires the adoption of reimbursement policies that specify necessary and reasonable expenses that demonstrate a substantial benefit to the City.
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- E. This policy also applies to any charges made to a City credit card (Cal-Card), cash advances or other line of credit.
- F. If an official wishes to seek reimbursement for something that has not been adopted by this policy, then the official has the option of seeking prior approval for such reimbursement by action of the City Council.

POLICY:

II. Travel Authorization & Expense Reporting For (“Travel Form”)

- A. The “Travel Form” is a mandatory document whether or not one expects to receive a travel advance or reimbursement for business related travel expenses.

Approved by: City Council
July 11, 2006
Revised: September 5, 2023

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

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- i. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:
 - a. Communicating with representatives of regional, state and national government on City adopted policy positions;
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TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

- g. Attending meetings such as those listed above for which a meeting stipend is expressly authorized under this policy.
- ii. All other expenditures require prior approval by the City Council. The following expenses also require prior City Council approval:
 - a. International travel;
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 - d. Note: Travel with a total cost of \$100 or less does not require the submission of a Travel Form.
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D. Travel Form - Part II "Expense Reporting"

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2. Expense reporting is required in all cases.
 - i. This is mandatory whether or not the advance received is equal to the expenses incurred, whether the official is eligible for additional reimbursement, or whether money is owed to the City.
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 - i. Requests for reimbursement by direct pay will be processed on the next available Accounts Payable check run, if submitted by the normal Accounts Payable deadline, but no later than ten workdays following receipt.
 - ii. If the amount requested is \$100 or less, a Petty Cash Request may be submitted for reimbursement.
 - a) Requests for reimbursement by petty cash will be reimbursed per the Petty Cash Policy (Fiscal Policy #3.1).

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

5. A final accounting of all expenses related to the trip must be submitted and approved by the City Clerk.
 - i. The official must complete Part II of the Travel form and sign the report attesting to its accuracy.
 - ii. The official must then submit the form, including all required receipts and supporting documentation of expenses, to the City Clerk for approval.
 - iii. The City Clerk is responsible for ensuring that:
 - a) All expenses are reasonable, necessary and consistent with these guidelines.
 - b) Any required receipts are attached.
 - c) The final disposition is correct (balance due City Official or City).
 - d) Any amounts due to the City are fully reimbursed.
 - e) Final accounting of all expenses related to the trip is submitted to the Financial and Management Services Department within **fifteen workdays** following the officials completed travel.
 - f) The City Clerk will additionally agendize the entire travel form, including but not limited to, all of the documentation (receipts, hotel folio, airline ticket, etc) to substantiate each of the travel expenses listed on the report. The agenda will include any travel forms received by an official in the prior month and finalized as described in this section and in section V B 5 below.

E. Unauthorized Expenses

1. Examples of personal expenses that the City will not reimburse include, but are not limited to:
 - i. The personal portion of any trip;
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 - iii. Family expenses, including partners' expenses when accompanying official on agency-related business, as well as children or pet-related expenses;
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Approved by: City Council
July 11, 2006

Revised: September 5, 2023

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

2. No reimbursement shall be made for personal expenses not provided by this policy or the approved City administrative travel policy. (Fiscal Policy #3.3)
3. Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

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1. On occasion, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf.
 - i. Such request for an advance should be submitted to the Finance Department no later than 7 working days prior to the need for the advance with the following information:
 - a) The purpose of the expenditure(s);
 - b) The benefits of such expenditure to the residents of the City;
 - c) The anticipated amount of the expenditure(s) (for example: hotel rates, meal costs and transportation expenses); and
 - d) The dates of the expenditure(s).
2. Any unused advance must be returned to the City treasury within two business days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.
3. In the event the Finance Department is uncertain as to whether a request complies with this policy, such individual must seek resolution from the City Council.

G. Credit Card Use Policy

1. The City does not issue credit cards to individual office holders but does have an agency credit card for selected City expenses.
2. City office holders may use the City credit card for such purposes as airline tickets and hotel reservations by following the same procedures as for cash advances.
3. City credit cards may not be used for personal or other non-City expenses, even if the official subsequently reimburses the City.
4. A final accounting of all expenses related to the trip must be submitted in accordance with the approved City administrative travel policy. (Fiscal Policy #3.3)

III. Travel

- A. The City will pay for legitimate and reasonable travel-related business expenses, including transportation, lodging, registration fees, meals, and any other related expenses if they are for official business and fit within these guidelines and those established in Fiscal Policy #3.3.
 1. This policy is designed to provide guidelines specific to Elected Officials; please refer to Fiscal Policy #3.3 - Travel and Related Business Expenses for further information regarding additional City-wide guidelines for business travel.

TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

B. Transportation

1. The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route.
 - i. Government and group rates must be used when available.
2. Airfare – Airfares that are equal to or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), California State Association of Counties (<http://www.counties.org/discount-travel-program>) and State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.
3. Automobile – The reimbursed mileage rate for use of a private vehicle for City travel will be at the current Standard Federal Mileage Rate set by the IRS. (54.5 Cents per mile as of Jan. 1, 2018).
 - i. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle.
 - ii. This amount does not include bridge and road tolls, which are also reimbursable.
 - iii. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.
4. Car Rental – Rental rates that are equal or less than those available through the State of California's website (<http://www.caltravelstore.com/>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.
5. Taxis/Shuttles/Ride Share Services – Taxis, shuttles or ride sharing fares may be reimbursed, including up to a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.
6. Reasonable incidental travel costs such as parking, tips, gratuities, etc. shall be reimbursed.
7. Expenses for which City officials receive reimbursement from another agency are neither reimbursable nor reportable through the City.

C. Lodging

1. Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay.
 - i. Conferences/Meetings – If such lodging is in connection with a conference, lodging expenses shall not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see next section.
 - ii. Other Lodging – Travelers must request government rates, when available. Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.

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- iii. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence reimbursable, when available.

D. Meals

1. This policy recognizes that legislative and other regional, state and federal agency business is frequently conducted over meals; sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused and uninterrupted communication about the City's policy concerns.
2. Each meal expenditure must comply with the limits and reporting requirements of local, state and federal law.
3. Reimbursable meal expenses and associated gratuities will not exceed the following rates:
 - a. Breakfast: \$15.71
 - b. Lunch: \$23.56
 - c. Dinner: \$44.50
4. Such amounts will be annually adjusted to reflect changes in the cost of living in accordance with statistics published by the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index, all urban consumers for the Southern California area. (The annual adjustment will be based on this area whether travel is within the area or not.)
5. The City will not pay for alcohol/personal bar expenses.

IV. Communications**A. Telephone/Fax/Cellular**

1. Officials will be reimbursed for actual telephone and fax expenses incurred on City business.
 - i. Telephone bills should identify which calls were made on City business.
2. For cellular calls when the official has a particular number of minutes included in the official's plan, the official can identify the percentage of calls made on public business.

B. Internet

1. Officials will be reimbursed for reasonable Internet access connection and/or usage fees away from home, if Internet access is necessary for City-related business.

V. Expense Reporting Requirements

- A.** Officials must submit their expense reports within 15 workdays of an expense being incurred, accompanied by receipts documenting each expense.
 1. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.
 2. All expenses are subject to verification that they comply with this policy.

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TRAVEL AND RELATED BUSINESS EXPENSES (ELECTED OFFICIALS)

B. Reports to Legislative Bodies

1. At the following meeting of the City Council, each official shall briefly report on meetings attended at City expense.
2. The report may be either a written or oral report. The report should be agendaized to comply with Brown Act requirements.
3. The report need not disclose details of confidential conversations, but shall disclose the date and place of the meeting and its general subject matter.
4. If multiple officials attended the same event, a joint report may be made.
5. The City Clerk will additionally agendaize the entire travel form, including but not limited to, all of the documentation (receipts, hotel folio, airline ticket, etc) to substantiate each of the travel expenses listed on the report. The agenda will include any travel forms received by an official in the prior month and finalized as described in section II D above.

C. Compliance With Laws

1. City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws.
 - i. For example, meals are considered “gifts” to legislators that must be reported by them if the total value of gifts given from the City exceeds \$50 in a year; there also is an annual gift limit.
2. All agency expenditures are public records subject to disclosure under the Public Records Act.

D. Violation of this Policy

1. Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:
 - i. Loss of reimbursement privileges;
 - ii. A demand for restitution to the City;
 - iii. The City reporting expenses as income to the elected official to state and federal tax authorities;
 - iv. Civil penalties of up to \$1,000 per day and three times the value of the resources used pursuant to state law; and
 - v. Prosecution for misuse of public resources.

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