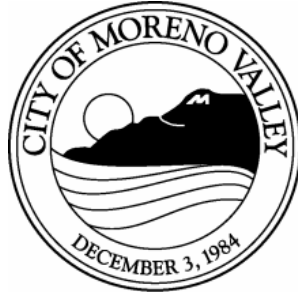

PLANNING COMMISSIONERS

BRIAN LOWELL
Chair

JEFFREY SIMS
Vice-Chair

RAY L. BAKER
Commissioner



JEFFREY BARNES
Commissioner

CARLOS RAMIREZ
Commissioner

PATRICIA KORZEC
Commissioner

MELI VAN NATTA
Commissioner

PLANNING COMMISSION

Regular Meeting

Agenda

Thursday, October 8, 2015 at 7:00 PM
City Hall Council Chamber – 14177 Frederick Street

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Approval of Agenda

CONSENT CALENDAR

All matters listed under Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no discussion of these items unless Members of the Planning Commission request specific items be removed from the Consent Calendar for separate action.

APPROVAL OF MINUTES

Planning Commission - Regular Meeting - May 14, 2015 7:00 PM

PUBLIC COMMENTS PROCEDURE

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

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 Guy Pegan, ADA Coordinator, at 951.413.3120 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

NON-PUBLIC HEARING ITEMS

None

PUBLIC HEARING ITEMS

1. Case: PA15-0028 – Tentative Parcel Map 36468
Applicant: Continental East Fund III, LLC
Owner: Continental East Fund III, LLC
Representative: Continental East Fund III, LLC
Location: Moreno Valley Ranch Specific Plan (SP #193),
Northwest corner of Lasselle Street and Krameria
Avenue
Case Planner: Jeff Bradshaw
Council District: 4

Proposal: Applicant request for continuance to the October 22,
2015 Planning Commission meeting for proposed
Finance Map 36468. Tentative Parcel Map No. 36468
proposes to create a three parcel subdivision for finance
purposes for property located within the approved 217
unit Continental Villages Project. The three parcels
correspond to the three distinct residential product types
located within the project. The Finance Map does not
include any proposed development.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

1. **APPROVE** the applicant's request for a continuance of the public hearing for this item to the next regular Planning Commission meeting date of October 22, 2015.
2. Case: PA15-0009 (CUP)
Applicant: Verizon Wireless
Owner: Shinder Kaur and Parmjit Singh
Representative: SAC Wireless (Dail Richard)

Location: 14058 Redlands Boulevard (Farm Market)

Case Planner: Claudia Manrique

Council District: 3

Proposal: Conditional Use Permit (PA15-0009) for a new wireless communications facility.

STAFF RECOMMENDATION

Recommend the Planning Commission **APPROVE** Resolution No. 2015-25.

1. **CERTIFY** that the proposed Verizon wireless telecommunications facility is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 3 Categorical Exemption, CEQA Guidelines, Section 15303 for New Construction or Conversion of Small Structures; and
2. **APPROVE** Conditional Use Permit PA15-0009 based on the findings contained in Planning Commission Resolution 2015-25, subject to the conditions of approval included as Exhibit A of the Resolution.
3. Case: PA13-0032 – Plot Plan
PA13-0033 – Tentative Parcel Map 36606
PA13-0034 – Conditional Use Permit
P13-071 - Environmental Impact Report

Applicant: Kimley-Horn and Associates, Inc.

Owner: Wal-Mart Real Estate Business Trust

Representative: Kimley-Horn and Associates, Inc.

Location: Southwest corner of Perris Boulevard and Gentian Avenue.

Case Planner: Jeff Bradshaw

Council District: 4

Proposal: The South Moreno Valley Walmart project proposes a Plot Plan application for development of a retail store (Walmart) consisting of a total of 185,761 square feet and a single commercial outparcel. The development of the outparcel has been reviewed under a Conditional Use

Permit application for either a gas station with 16 fueling pumps, a 2,900-square-foot convenience store, and a drive-through car wash, or as a 3,500-square-foot fast food restaurant with drive through and a 3,200 square feet retail building. Development of the site will include an on-site detention basin and off-site roadway and utility improvements. The applicant is also seeking approval of Tentative Parcel Map No. 36606 to subdivide the project site into two parcels. Approval of this project will require certification of an Environmental Impact Report.

STAFF RECOMMENDATION

Staff recommends that:

1. The Planning Commission **APPROVE** Resolution No. 2015-26 and thereby:
 - a. **CERTIFY** that the Environmental Impact Report (EIR) for the South Moreno Valley Walmart project (Attachments 9 and 10) has been completed in compliance with the California Environmental Quality Act; and
 - b. **ADOPT** the Findings and Statement of Overriding Considerations regarding the Final EIR for the South Moreno Valley Walmart project, attached hereto as Exhibit A to Resolution 2015-26; and
 - c. **APPROVE** the Mitigation Monitoring Program for the Final EIR for the proposed South Moreno Valley Walmart project, attached hereto as Exhibit B to Resolution 2015-26.
2. The Planning Commission **APPROVE** Resolution No's. 2015-27 and thereby:
 - a. **APPROVE** Tentative Parcel Map 36606 (PA13-0033), subject to the attached conditions of approval included as Exhibit A to Resolution 2015-27.
3. The Planning Commission **APPROVE** Resolution No. 2015-28 and thereby:
 - a. **APPROVE** Plot Plan PA13-0032, subject to the attached conditions of approval included as Exhibit A to Resolution 2015-28.
4. The Planning Commission **APPROVE** Resolution Nos. 2015-29 and thereby:
 - a. **APPROVE** Conditional Use Permit PA13-0034, subject to the attached conditions of approval included as Exhibit A to Resolution 2015-29.

OTHER COMMISSION BUSINESS

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

Next Meeting: Planning Commission Regular Meeting, October 22, 2015 at 7:00 P.M.,
City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno
Valley, CA 92553.

1 CITY OF MORENO VALLEY
2 PLANNING COMMISSION
3 REGULAR MEETING
4 CITY HALL COUNCIL CHAMBER – 14177 FREDERICK STREET
5
6

Thursday May 14th, 2015, 7:00 PM

7
8 **CALL TO ORDER**

9
10 Introduction and Swearing-in of Alternate Planning Commissioners

- 11 • Lori Nickel
- 12 • Erlan Gonzalez

13
14 **CHAIR LOWELL** – Good evening ladies and gentlemen. I'd like to call the May
15 14th, 2015 Regular Meeting of the Planning Commission to order. The time is
16 7:07 pm. The first item tonight is the introduction and swearing-in of Alternate
17 Planning Commissioners. I'd like to introduce Ms. Jane Halstead.

18
19 **CITY CLERK HALSTEAD** – Thank you Commissioner Lowell. I'd like Lori Nickel
20 and Erlan Gonzalez to join me at the microphone please. Please raise your right
21 hand and repeat after me and state your name where applicable. I do solemnly
22 swear that I will support and defend the constitution of the United States and the
23 constitution of the State of California against all enemies foreign and domestic,
24 that I will bear true faith and allegiance to the constitution of the United States
25 and the constitution of the State of California, that I take this obligation freely,
26 without any mental reservation or purpose of evasion and that I will and faithfully
27 discharge the duties upon which I am about to enter. Congratulations.

28
29 **CHAIR LOWELL** – Thank you and welcome aboard.

30
31
32 **ROLL CALL**

33
34
35 **PLEDGE OF ALLEGIANCE**

36
37
38 **APPROVAL OF THE AGENDA**

39
40 **CHAIR LOWELL** – Thank you for that. Would anyone like to motion to approve
41 the Agenda?

42
43 **COMMISSIONER RAMIREZ** – I'd like to motion

44
45 **COMMISSIONER BAKER** – I'll second

1 **CHAIR LOWELL** – Can we use the motion and vote on the new system? I don't
2 see it up here. Okay, so we're trying a new system, so who would like to motion?

3
4 **COMMISSIONER RAMIREZ** – I'd like to motion

5
6 **VICE CHAIR SIMS** – I'll second it

7
8 **CHAIR LOWELL** – It looks like we have a motion by Carlos and a second by Mr.
9 Sims. Okay so now we get to vote. All votes have been cast. This is your last
10 chance. Ready to end the vote...ending in three, two, and one. Voting has
11 ended. We've approved tonight's agenda. I'm assuming we don't need to have a
12 roll call vote because we have this new automated system?

13
14
15 **CONSENT CALENDAR**

16
17 *All matters listed under Consent Calendar are considered to be routine and will*
18 *be enacted by one roll call vote. There will be no discussion of these items*
19 *unless Members of the Planning Commission request specific items be removed*
20 *from the Consent Calendar for separate action.*

21
22 **CHAIR LOWELL** - Okay so now we are moving on to the Consent Calendar for
23 which we don't have any items.

24
25
26 **APPROVAL OF MINUTES**

27
28 None

29
30
31 **PUBLIC COMMENTS PROCEDURE**

32
33 *Any person wishing to address the Commission on any matter either under the*
34 *Public Comments section of the Agenda of scheduled items or public hearings,*
35 *must fill out a "Request to Speak" form available at the door. The completed*
36 *form must be submitted to the Secretary prior to the Agenda item being called by*
37 *the Chairperson. In speaking to the Commission, member of the public may be*
38 *limited to three minutes per person except for the Applicant for entitlement. The*
39 *Commission may establish an overall time limit for comments on a particular*
40 *Agenda item. Members of the public must direct the questions to the*
41 *Chairperson of the Commission and not to other members of the Commission,*
42 *the Applicant, the Staff or the audience.*

43
44 **CHAIR LOWELL** - One more little note. We have some ADA Regulations.
45

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2 formats to persons with disabilities, in compliance with the Americans with
3 Disabilities Act of 1990. Any person with a disability who requires a modification
4 or accommodation in order to participate in a meeting should direct such request
5 to Mark Sambito, ADA Coordinator, at 951-413-3120 at least 48 hours before the
6 meeting. The 48 hour notification will enable the City to make reasonable
7 arrangements to ensure accessibility to this meeting.

8
9 **CHAIR LOWELL** – Do we have any Public Comments?

10
11 **PLANNING OFFICIAL SANDZIMIER** – Mr. Chairman, if I may? Just because
12 we are getting started with the new equipment, just for the record since we are
13 televised and recorded, at subsequent meetings the Speaker process, there is a
14 kiosk in the lobby, very similar to how we’re using; exactly how we’re using it for
15 the City Council, so anybody that is listening this evening should be aware that
16 starting at the next meeting, the ability to type in will have not necessarily be
17 physical paper card. They will be a kiosk outside where they can actually put in
18 their name and address, so just for the record to let you know.

19
20 **CHAIR LOWELL** – And that nice new little kiosk will be tied directly into our
21 monitors up front which will is a really nice addition to the system. Do we have
22 any public speakers in the Public Comment portion of this meeting tonight?

23
24 **GRACE ESPINO-SALCEDO** – I have not received any speaker slips.

25
26 **CHAIR LOWELL** – Okay with that said, I believe I will be closing the Public
27 Comments. The Public Comments are now closed.

28
29
30 **NON-PUBLIC HEARING ITEMS**

31
32 **1. Fiscal Year 2015-2016 Proposed Capital Improvement Plan**
33 **Conformance with the General Plan (Report of Planning**
34 **Commission)**

35
36
37 Case: PA15-0020 – Fiscal Year 201-2016 Proposed Capital
38 Improvement Plan Conformance with the General
39 Plan
40 Applicant: City of Moreno Valley
41 Owner: City of Moreno Valley
42 Representative: Public Works Department
43 Location: Various Locations throughout the City of Moreno
44 Valley
45 Case Planner: N/A
46 Council District: All

1 **CHAIR LOWELL** – Okay, moving on to the Non-Public Hearing Items, which I
2 believe is a presentation of the Capital Improvement Plan for the Fiscal Year
3 2015-2016. Do we have a Staff Report for this?
4

5 **PLANNING OFFICIAL SANDZIMIER** – We do. Our Public Works Staff is here
6 this evening. I'd like to introduce or he can introduce himself down there at the
7 end.
8

9 **PUBLIC WORKS SENIOR ENGINEER GONZALEZ** – Good evening Chair and
10 members of the Commission. My name is Larry Gonzalez. I'm a Senior
11 Engineer with Capital Projects Division of Public Works. I'm here tonight to
12 present to you the Fiscal Year 2015-2016 Proposed Capital Improvement Plan
13 also referenced as the CIP and it is this large document right here. The CIP
14 information that you have in your packet is a summary of projects listed by
15 category. The entire document, the Fiscal Year 2015-2016 Proposed CIP was
16 posted on the City's internet site on April 27th and a link to the document was
17 emailed to you on the same date. The CIP is a part of the City Budget adoption
18 process and there are approximately 400 projects listed in the document. This is
19 a planning document that serves to identify various types of improvements that
20 the City would need over the next five years and beyond, which is referenced as
21 build-out of the City. All projects listed are in conformance with the City's
22 General Plan and are within the State Law guidelines. Staff annually brings this
23 document before the Planning Commission for the sole purpose of making a
24 finding that the document is in conformance with the City of Moreno Valley's
25 General Plan. If the Planning Commission makes a finding that the document is
26 in conformance with the City's General Plan, the document is scheduled to go
27 before the City Council for the opening and closing of a Public Hearing and for
28 adoption on May 26th, which is approximately 12 days from now and I just want to
29 note there is a discrepancy between what I'm telling you here and what was in
30 your Staff Report. After the Staff Report was published and sent on to you, it
31 was noted that the date in the Staff Report was tentative. It was initially listed as
32 June 9th and it is now May 26th. Staff therefore recommends that the Planning
33 Commission make a finding that the CIP is in conformance with the City's
34 General Plan. This concludes my report and I'm available for any questions.
35

36 **CHAIR LOWELL** – Does anyone have any questions?
37

38 **VICE CHAIR SIMS** – I do. I didn't look at all the funding sources. I assume
39 there is a variety of funding sources ranging from development impact fees and
40 Federal grants or State grants and so forth. Do you have a sense on how much
41 is generated through development fees? Has there been an uptick in that
42 support improvements or are most developments done by contributed assets?
43

44 **SENIOR PUBLIC WORKS ENGINEER GONZALEZ** – Well my understanding is
45 and I don't oversee the financial part as far as revenues, but my understanding is
46 that there has been a slight increase of DIF funds, but that it is still very minimal.

1
2 **VICE CHAIR SIMS** – I guess just from a... is there anybody from one of the Staff
3 back there that has a sense on how much money the City works on through
4 grants that we get through... I know there is a grant writing process and what not
5 to seek funding for traffic and activities. Is there a sense on how much money
6 you've been successful in getting?
7

8 **ASSISTANT CITY ENGINEER KUMAR** – Good evening Commissioners. I'm
9 Prem Kumar, the Assistant City Engineer. Roughly right now, at least in terms of
10 Public Works Capital Improvements related to streets that we manage in the CIP
11 project, Parks may have some other grants, but I can speak for the street
12 improvements and the grants that we have. We have actually 32 grants right
13 now and I believe the number is somewhere close to between 20-30 million
14 dollars in grants that we are actively working on right now and they are actually
15 matched with local dollars. Most of these grants require a certain percentage of
16 match monies, so these dollars that I'm talking about also have a local match,
17 either... usually what we have is Measure A which is a sales tax revenue that we
18 get annually from the City; from the County and it is divvied up by cities and we
19 use that revenue to match it against the grant funds that we pursue and
20 successfully get.
21

22 **VICE CHAIR SIMS** – Yeah I just think it's important that part of the process of the
23 Capital Improvement Project is the effort that Staff has to put in to seek and go
24 after the grant funds. It is very important.
25

26 **COMMISSIONER BARNES** – It was mentioned that DIF fees a moment ago;
27 what mechanism drives the calculation of the DIF fees because I'm assuming
28 that they change over time. Is this a component of that analysis of how Capital
29 Improvements work or...?
30

31 **ASSISTANT CITY ENGINEER KUMAR** – I'll try to answer that question as well.
32 The DIF fees that the developer pays is one lump sum number, but it is actually
33 divvied up into small different buckets. For example, a portion of the money that
34 they pay goes to improvements at the corporate yard or it goes to a bucket that
35 we use to build Fire Stations, so technically there are several different
36 components; streets being a major component as well. So the developers just
37 pay one dollar amount. Now in terms of the amount of monies that we're getting,
38 again Public Works doesn't collect that money, so I'm not really sure how much
39 is coming in, but I do know we have a few years ago, entered into debt financing
40 using future revenues of DIF to do certain street improvements and unfortunately
41 in the upcoming year or the current year, the Fiscal Year 15-16, we don't actually
42 have enough collected to even pay the full debts, so Measure A is actually
43 backfilling them to pay the debt amount. So it is really low, but we do see an
44 uptick in the DIF fees that are being paid.
45

1 **PLANNING OFFICIAL SANDZIMIER** – If I may add just a little bit. The DIF fees
2 are based on a different land use category, so they’re basically assessed as a
3 condition of development when a development is approved and they are usually
4 collected at the time of building permit issuance or at the issuance of the
5 Certificate of Occupancy. The last DIF Study or the Nexus Study when the DIF
6 fees were established I believe was 2012. We’re in the midst of doing an
7 updated study Citywide and that is supposed to be completed towards the end of
8 the summer, so I’m just letting you know you are right in that they are periodically
9 updated and we are right now in the midst of an evaluation of those.

10
11 **CHAIR LOWELL** – I had a question for you. I’m noticing on the Capital
12 Improvement Plan where the projects are listed by category and funding. I notice
13 that there is a little bit of drop off; not much of a drop off, but it seems pretty
14 steady between 15-16 and 16-17. In 17-18 there is a little bit of an uptick and 18-
15 19 there is a large uptick. It almost doubles the previous year and triples in
16 concurrent years funding. What projects are slated for beginning the next three
17 or four years out? For instance we have street improvements at what is it... 54
18 million dollars, but what are the anticipated improvements? Anything major that
19 we should be aware of?

20
21 **ASSISTANT CITY ENGINEER KUMAR** – Well actually the way the document is
22 prepared is the real dollars; the monies that we actually have or projected to
23 have are only for the upcoming year 15-16. Anything that is outside of those
24 years, they are basically projections or anticipation of projects that we would like
25 to do and some of these big dollar items are related to interchanges and the
26 current projects that we’re working on related to interchange is the Theodore
27 interchange and we’re just getting started on the Redlands interchange in terms
28 of studies. So typically these projects take about three to five years to reach
29 construction stage and so those dollars that you are seeing are probably our
30 optimistic projections of anticipated construction of certain street improvements
31 or the interchange projects and Theodore is one that we’re trying our best. We’re
32 actually successful. It’s the only interchange along the 60 corridor that’s currently
33 not in the TUMF Nexus update or network of streets and we have been
34 successful in making at pitch to WRCOG to actually have that included in the
35 TUMF Nexus Study, which is going to be presented to the WRCOG Committee;
36 Executive Committee; the Board this summer and hopefully adopted sometime
37 next year. With that adoption then when developers pay those TUMF fees, a
38 portion of that money per the Nexus Study, is dedicated towards Theodore
39 interchange improvements as well.

40
41 **CHAIR LOWELL** – Now that we’ve brought up the idea of interchanges; I know
42 we have Theodore Street; we have Redlands Boulevard; we also have Moreno
43 Beach that has been half improved. I know it’s been about... I think Phase One
44 is complete and do we have a timeline for Phase Two and do we have any other
45 major improvements like that that are on the books but unfunded?

1 **ASSISTANT CITY ENGINEER KUMAR** – Sure, actually the Moreno Beach
2 interchange; we have plans that are about 95 percent complete and what that
3 does for us is if there is a call for projects; basically a grant opportunity out there,
4 we can show that we are essentially shelf ready so to speak in the sense that we
5 have the environmental clearance. We have all the right-of-ways acquired and
6 we have a set of plans that can be very quickly finalized and proceed to get the
7 construction monies to build, so to answer your question, right now we don't have
8 the monies. The entire amount to build that bridge essentially and the north
9 ramps, however we are staged really well to after grants to get that kind of
10 money.

11
12 **CHAIR LOWELL** – What are some of the more important improvements that are
13 going to be happening in the next few years; 2015-2016 and 2017? I know that
14 we just had a Study Session and neighborhood meeting on realigning Reche
15 Canyon and Reche Vista going from I believe its Perris Boulevard or is it
16 Heacock in straight alignment. What other projects like that are noteworthy that
17 are out there that are going to be funded and constructed in the near future?
18

19 **ASSISTANT CITY ENGINEER KUMAR** – Sure, sure, absolutely and talking
20 about Reche Vista, after lots of community meetings and outreach, we finally got
21 the go ahead to put the project out to bid. We opened bids last Friday; very
22 favorable bids. It is within the Engineers estimate, so I think the bids were
23 about... I think the lowest bid was 3.1 million dollars, so within a month or so it
24 will be presented to the City Council for award and probably sometime in early
25 next fiscal year you will see construction starting. So that is going to be a major
26 project undertaken by the City and then we are continuing to work on Nason,
27 which is between Cactus and Fir, which is currently under construction. We
28 project that to be done by November of this year. We also have Perris Boulevard
29 under construction which is Ironwood to Manzanita, which is also supposed to be
30 completed by the end of the year, so you'll see all these projects that I'm
31 mentioning that are still funded and are going to show up in the proposed fiscal
32 year. Cactus is currently under construction. It just started between Veterans
33 and Heacock; the eastbound third lane is going to be widened. We had a slow
34 down there because they found some burrowing owls and we had to respect their
35 space for a while and then we have Heacock Street between San Michele and
36 Krameria that is getting wrapped up hopefully by July or August will be wrapped
37 up. We also have planned for Frederick Street to be paved between Alessandro
38 and Sunnymead Boulevard that is currently waiting for Cal Trans authorization
39 that is another grant project that we're just waiting for Cal Trans to tell us our
40 plans looks good and you can go out and bid the project. We also have Elsworth
41 as a contingent project to be built if we have enough favorable bids come in as
42 part of the Frederick project and then we have several flood control projects that
43 are also in the books to get constructed in the Moreno town site area. Council
44 just awarded the East Sunnymead Boulevard Storm Drain Projects, so you'll see
45 that under construction in the upcoming fiscal year. The Corporate Yard is
46 currently under construction and it is also going to be completed in the next fiscal

1 year and then the Heacock Channel, which is a much needed project because
2 every time there is substantial rain it floods near the Base. We funded the design
3 in the amount of close 1.2 million dollars and March JPA is the lead project
4 manager on that and flood control is partnered with us and they are bringing
5 about 8 million dollars to the table to construct the project and the Base is very
6 close to acquiring the rest of the funding because it is owned by three entities
7 essentially; March JPA, the City and the Base, so we're hoping to go out to bid in
8 maybe April of next year, which is also part of the fiscal year in which the CIP is
9 proposed and hopefully we'll be able to get good bids to build the entire channel.
10 So those are some that are real projects that have funding that we believe we'll
11 be able to deliver.

12
13 **CHAIR LOWELL** – I really appreciate that. Thank you very much. Looks like we
14 have another Commissioner that wants to speak.

15
16 **COMMISSIONER RAMIREZ** – Yes thank you. Are there any plans to improve
17 Ironwood Avenue just east of LaSalle between Steeplechase Drive and Nason?
18 I know that there are a lot of children that use that road to get to Valley View High
19 School and just driving through in the mornings or afternoons, it seems like it is
20 very dangerous for pedestrians to try to make their way to and from school.

21
22 **ASSISTANT CITY ENGINEER KUMAR** – Sure, the Ironwood project... there is a
23 little history, but what we do have in terms of funding right now is part of another
24 grant that was successful, is the improvements at the intersection of Ironwood
25 and Kitching. There are several schools in that area and because the street is
26 not quite widened and there is some missing sidewalk, we were actually able to
27 get some Federal grants to do the improvements at that intersection and just
28 because of the way the grants are staged, it will be two years before it will be
29 under construction. The Council just last week approved... sorry on Tuesday
30 approved the environmental clearance in terms of CEQA. Cal Trans is the lead
31 agency in terms of the NEPA, so hopefully we'll get that project started and that
32 is part of a master plan of improvements from Perris going east all the way to
33 Nason, which includes the section that you are talking about and we have a set
34 of plans that are prepared at the 35 percent level and we are continuing to see
35 how we can fund segments of that and we're looking at grants to fund that project
36 as well, but at least we've got it started. We know what kind of animal we're
37 dealing with when you have a 35 percent set of plans, so at this point it is
38 basically looking for grants to get the project done.

39
40 **COMMISSIONER RAMIREZ** – Good to hear. Thank you.

41
42 **CHAIR LOWELL** – So the short of that is we have a small improvement project
43 that is a couple of years away for Ironwood and Kitching, but the rest of the
44 project is a known beast, but not funded and not near construction.

45
46 **ASSISTANT CITY ENGINEER KUMAR** – Correct

1
2 **CHAIR LOWELL** – If you had to spitball a date are you thinking a few years out?
3 Are you talking ten years out? I mean what are we thinking, because that's
4 actually a pretty vital area?

5
6 **ASSISTANT CITY ENGINEER KUMAR** – Sure.

7
8 **CHAIR LOWELL** - I live in that neighborhood. I drive that every day; the morning
9 rush hour with the kids going to and from school. There is no sidewalk. It is one
10 of the more dangerous areas of the City.

11
12 **ASSISTANT CITY ENGINEER KUMAR** – Absolutely, absolutely. You know
13 we've had several community meetings. I would say maybe about five or six
14 years back regarding that project and it is interesting you know and that's why it
15 is so important to have these outreach meetings because when you look at the
16 City's General Plan, originally it just showed as a four lane improvement on
17 Ironwood, so when we started preparing the plans, we had several community
18 neighborhood meetings and said hey this is what we plan to build and there was
19 a huge outcry. They all said no we don't want a four lane road on Ironwood, we
20 want just one lane in each direction, so essentially from LaSalle going east, the
21 35 percent design that we ended up with, after listening to the community, what
22 we did was we are actually going to build one lane in each direction with
23 intersections that are widened to accommodate turn movements so the
24 intersections will be more than what it is now and we will have sidewalks so that
25 kids will be safe to walk you know to school, just like it was mentioned earlier and
26 I think there was also an accommodation for some equestrian trails so that all the
27 stakeholder users will be able to use the proposed designed street.

28
29 **CHAIR LOWELL** – Thank you. Does anybody else have a comment? I think
30 that's pretty much it for our comments. I appreciate it, thank you. Any other Staff
31 Comments? Any comments from Staff? Any more wrap up for anything?

32
33 **PLANNING OFFICIAL SANDZIMIER** – No

34
35 **CHAIR LOWELL** – Okay

36
37 **DEPUTY CITY ATTORNEY EARLY** – The item is calling for a motion though
38 from the Planning Commission. They are looking seeking approval for the CIP is
39 in conformance with the City's General Plan. That's the recommendation that is
40 being sought.

41
42 **CHAIR LOWELL** – I didn't see it on here. I didn't know we had to do that. Okay,
43 so let's move it to a vote. Who would like to motion? Would anybody like to
44 second?

45
46 **COMMISSIONER VAN NATTA** – They'll need the motion read though, right?

1
2 **CHAIR LOWELL** – Correct, I forgot that.

3
4 **COMMISSIONER VAN NATTA** – Yes I move that the Planning Commission
5 make a finding that the Fiscal Year 2015-2016 Proposed CIP is in conformance
6 with the City of Moreno Valley’s General Plan.

7
8 **COMMISSIONER BAKER** – I’ll second that

9
10 **CHAIR LOWELL** – We have a motion by Commissioner Van Natta and a second
11 by Patricia Korzec and by Ray Baker also seconded that, so now moving on to a
12 vote. We’re waiting on two votes. There we go; okay ending the vote. It looks
13 like the motion has been approved 7 – 0. As this is the new format with the
14 system, do I need to do anything else?

15
16 **DEPUTY CITY ATTORNEY EARLY** – You would just announce the motion
17 carried or the item was approved.

18
19 **PLANNING OFFICIAL SANDZIMIER** – With the motion passing, this is the
20 recommendation from the Planning Commission on the Capital Improvement
21 Budget. The Capital Improvement Budget now will be moving forward to the City
22 Council. There is no additional wrap up other than that.

23
24
25
26 **PUBLIC HEARING ITEMS**

27
28 **CHAIR LOWELL** – Okay, so we’re moving on to the Public Hearing Item, which I
29 do not believe we have any. Is that correct?

30
31 **GRACE ESPINO-SALCEDO** – We do not have any

32
33
34
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36
37
38 **OTHER COMMISSION BUSINESS**

39
40
41 **1. Water Conservation Presentation**

42
43
44 **CHAIR LOWELL** – So we’re from the Public Hearing Items and moving on to
45 Other Business, which actually it looks like we do have two items. We have a
46 Water Conservation Presentation.

1
2 **PLANNING OFFICIAL SANDZIMIER** – Yes at your last meeting I believe the
3 Commission asked for an update on what kind of water conservation measures
4 are going on. Julia Descoteaux will give a quick power point presentation just to
5 kind of give you that summary.
6

7 **ASSOCIATE PLANNER DESCOTEAUX** – Good evening Planning
8 Commissioners. I'm Julia Descoteaux, Associate Planner and as Rick
9 mentioned I'm here to give you a brief report on what the City does and what the
10 City will be doing to help in the conservation of water. The City currently has
11 landscape requirements, Section 9.17 of the City's Municipal Code which provide
12 for requirements for new development to create landscaping that not only meets
13 the visual effect that we hope to portray but also conserving water at the same
14 time. It includes conservation principals with reduction of water usage without
15 effecting the landscape. Included in Section 9.17 are water efficiency
16 requirements. In 2009 and 10, the City went through a change in their Municipal
17 Code for the requirements to include not only the development guidelines for
18 landscaping but also to include water efficiency requirements, because we knew
19 at the time there would come a time that we would need to start conserving. This
20 is just a list of about four out of twelve that we have in the Municipal Code and
21 they're items that we all know to do, but again we've listed them anyway so that
22 when our developers or citizens look at the Municipal Code they have some
23 ideas and it is reminder of what we need to do... refrain from watering in the
24 middle of the day or repairing your faucets so that they are not leaking and those
25 types of things and again we know them, but it is a good reminder. So how do
26 we do this? How does the City make this happen and part of that is done through
27 Planning in the design standards and we have the applicant submit landscape
28 plans. We look at the plant types? We encourage native plants, low water use
29 plants. Water budgets; that is a huge requirement that came in with the 2009-10
30 change where we had to include the water budget as a requirement from the
31 State and those developers work with Eastern Municipal Water District. They
32 have an allowable water use and a maximum, so they can't go beyond the
33 maximum they are allowed for their project and EMWD designs those standards.
34 We also look at the irrigation systems. Are they putting in sprays or bubblers or
35 rotators; those types of things making sure that we don't have the spray on the
36 sidewalk. Limiting or eliminating turf and most of our commercial and industrial
37 projects you won't find any turf. We don't allow it. Once in a while they'll be a
38 small section that is just a very small square that is just meant to catch your eye,
39 but it is again, it is not something that we encourage or we allow. Now some of
40 the older projects you'll see in town have a lot of turf and during this time I would
41 imagine some of them will be looking at alternatives as well. Zero-scape
42 landscaping... that is something that a few years ago or in 2010, most people
43 here in our area didn't look at, but you see a lot more of it coming in. Our
44 landscape requirements also provide for 25 percent of all new single family tracts
45 must have zero-scape plantings, so we are looking for that. We are counting and
46 we're going out and checking, so it is extremely important and that may change

1 in the future depending on what happens here in the next couple of years. We
2 also require curb-cut openings and again that is not part of the landscaping but it
3 is extremely important, not only for water quality but you know let's take the water
4 from the parking lot and put it into the landscaping and let it not only filter it, but
5 help take the water down into the water table. So how do we enforce it? Well,
6 the City of Moreno Valley is not the water purveyor, so we have very little control
7 over what the water purveyors do, but we are certainly right there with them and
8 hopefully we can help them coordinate the requirements and enforce where we
9 can. So what has changed recently and why are where we are at today? Well
10 we are in the fourth year of a historic drought, contrary to the weather outside
11 today. That is probably not going to help too much, but we welcome the rain.
12 Governor Brown issued an executive order requiring mandatory water reduction.
13 I'm sure we are all aware of those. We are going to be getting notices in the mail
14 I'm sure very shortly. Water providers will need to cut 36% approximately from
15 the 2013 levels or face penalties and with that they'll need to pass this on to the
16 customers, so we'll all need to be doing our part. What does the City of Moreno
17 do? These are just a few things. We have potable water, which about 60% of all
18 our water goes to landscaping, so when we are using potable water for
19 landscaping that is really huge, so we need to reduce or eliminate that as much
20 as we can. The City currently has cut all water to medians within 24 hours of the
21 executive order and you'll see those medians start to deteriorate from Alessandro
22 to Indian, from Towngate between Frederick and Eucalyptus, Centerpointe
23 between Frederick and Town Circle and Parkland Avenue and the housing tract
24 east of Heacock and south of Manzanita. The City of Moreno Valley's Park and
25 Community Services have already cut their water in their parks 20% before they
26 were asked to do that, so they've been doing that for quite a while. They use
27 smart controllers and all the newer parks have been designed with less turf and
28 recycled water and all water saving fixtures, so it has been something again that
29 we've been thinking about for a while. And we'll also be applying for EMWD's
30 turf rebate program. If we qualify for that, we'll be using that in our medians and
31 then I just have a couple of pictures of different projects that we've done. This
32 one is the Moreno Valley Fire Station 99. It is over on Morrison just north of
33 Cottonwood and we did the drought tolerant type of landscaping. There is a little
34 bit of grass on the site but again we tried to limit that as much as possible. This
35 is a parking lot island on the Amazon project. Most of the Amazon site is all
36 water saving drought tolerant design. It has one or two small pop outs of grass,
37 but again they've done a lot with D and G, a lot of rock and they've used bark
38 and those types of things, so again really looking to conserve water as much as
39 possible. So what's next? We all need to do our part and the City Council will be
40 having a presentation from Eastern Municipal Water District on May 26th, which is
41 a Tuesday; Regular Planning Commission Meeting... I mean sorry, City Council
42 meeting and again EMWD will be there and the City will also do a presentation
43 as well showing their efforts for the State mandated requirements. Every drop
44 counts, so let's see what we can do. This ends my presentation and I can
45 answer any questions. Thank you.

46

1 **CHAIR LOWELL** – I have a question for you. I know we are cutting the watering
2 to the medians. Is there any way we could cut the water to the turf, but still
3 irrigate the trees, because the trees are old and established and the drought is
4 not going to last forever. It is easy to replace grass but it is expensive to replace
5 trees.

6
7 **ASSOCIATE PLANNER DESCOTEAUX** – That is something we can bring up to
8 the Parks and Community Services and the Special Districts folks. I have
9 noticed that myself and we'll need to check on that to see what their plan is for
10 those medians.

11
12 **CHAIR LOWELL** – Okay; a follow-up on that since we are no longer irrigating the
13 medians, would we be also reducing the maintenance of the medians? Are we
14 going to have... since we're not regularly mowing the weeds that do thrive in an
15 arid condition that would be growing, are we still going to be maintaining the
16 medians to reduce blight?

17
18 **ASSOCIATE PLANNER DESCOTEAUX** – It is my understanding that we'll still
19 maintain the medians but again we are looking at taking the dead grass out and
20 replacing that. So they are actively looking at that as well. The presentation that
21 they'll do on May 26th may answer these questions for you a little bit better than I
22 can, but again it is my understanding we're looking at re-doing the medians so
23 that they are a drought tolerant design.

24
25 **CHAIR LOWELL** – This is kind of piggybacking on this. This is not directed
26 towards you Julia, it is directed to Staff in general, but I do know that the new
27 extension of Indian from I believe Alessandro to Iris has drought tolerant
28 landscaping, but over the past few months the weeds have grown uncontrolled. I
29 believe the City went out and did some maintenance but I haven't double
30 checked that. Do you know if that has been on the City's forefront to go out and
31 kind of clean up that median?

32
33 **ASSOCIATE PLANNER DESCOTEAUX** – We can check on that. I don't have
34 that information? What were the streets again; sorry?

35
36 **CHAIR LOWELL** – It is the new extension of Indian and I think it is between
37 Alessandro and Iris.

38
39 **ASSOCIATE PLANNER DESCOTEAUX** – Okay

40
41 **PLANNING OFFICIAL SANDZIMIER** – I'm taking notes on your questions. A lot
42 of these are related to our Special Districts and our Public Works staff, so we'll
43 get them the questions and as Julia indicated, if it can be incorporated into the
44 discussion that goes before the City Council on the 26th, we'll let you know.
45 Again we encourage any of the Commissioners that would like to attend that

1 meeting to attend that meeting. We think it will be very informative, so we'll take
2 your questions and pass them along. Sorry I don't have all the answers

3
4 **CHAIR LOWELL** – The meeting on the 26th, it that going to be during regular
5 hours? Is it going to be before the meeting? It is going to be during the Council
6 meeting? When is that item going to be presented?

7
8 **PLANNING OFFICIAL SANDZIMIER** – It is my understanding that it will be a
9 presentation item on their Agenda, which is usually at the beginning. I'm not sure
10 if that is at the 5:30 hour or not yet, but we can find out for you and send an email
11 out.

12
13 **CHAIR LOWELL** – I appreciate it. We have a couple of Commissioners...
14 Commissioner Van Natta...

15
16 **COMMISSIONER VAN NATTA** – Actually you started the question that I was
17 going to ask. You mentioned it first when you said okay we're going to turn off
18 the water to the medians and you are going to see a deterioration in the medians
19 and then later when he asked, you said that the grass is going to be removed; it'll
20 be replaced. My concern is what kind of a gap in time is that going to be in-
21 between. I'm thinking of particularly like in a residential neighborhood; like you
22 mentioned Parkland and there is quite an extensive median there with a lot of
23 grass there, trees and so forth. Is the replacement of the grass going to take
24 place right away so they still have something attractive to look at when they walk
25 out their front doors or is this going to be something that is going to be let go for a
26 long time and look bad for a while before it gets replaced?

27
28 **ASSOCIATE PLANNER DESCOTEAUX** – That's a great question and I don't
29 have the answer to that but we will check with Public Works and Special Districts
30 to see what their time frame is for doing the replacement.

31
32 **PLANNING OFFICIAL SANDZIMIER** – If I can just add a little bit. I know some
33 of the internal discussion has been when we turn off the water there is going to
34 be an immediate change in the landscape. We are going to start seeing a
35 browning. It is still very fresh and still very new. Some of the stuff you are talking
36 about in terms of replacing out the landscape, it may have not been a budgeted
37 item, so again we're reacting to this and there is going to be some things that
38 need to be figured out, so we can't commit that just because we turn off the water
39 we can automatically go out now and spend the money to replace the turf with
40 some zero-scape or something, so we'll get the information to our Public Works
41 and our Special Districts staff, but the understanding is that we're going to have
42 to work through some of these details, but they are good questions. We
43 appreciate it.

44
45 **VICE CHAIR SIMS** – I work for another water district; not Eastern, so I'm sure
46 Eastern they do things a little different than what we are doing, but we have a

1 very similar rate structure for how our customer relationship; customer billing
2 relationship. I cannot impress upon my fellow Commissioners and the City that
3 this will be a significant deal. The State; the Governor's mandate has direct
4 impacts on the water purveyors and there will be changes to each of the water
5 budget rates tiers that individual customers have that will affect the amount of
6 water that they can use without penalty, so I would urge all of my fellow
7 Commissioners to look at their timers on that because your budget will go down
8 starting June 1st and it will be significant. You will pay significantly more, but the
9 Eastern folks will tell that story. But one of my things I was concerned about is
10 from a City standpoint I think is important is there is probably some ordinances or
11 some kind of rules within the City code requiring a certain level of maintenance of
12 the yard prior to Code Enforcement coming and complaining. You will see... I
13 highly believe that there will be a significant number of scorched lawns
14 throughout the City of Moreno Valley. There will be a brown out in lawns
15 because people are going to get a hundred dollar increase to one hundred and
16 fifty dollar the first two or three months. People just don't get it. They won't
17 believe that there is an issue until they get their bill you know I don't want to pay
18 that and their meters are going to get shut off. There will be an enforcement
19 problem and there are going to be brown lawns, so I don't know how the City is
20 going to react to that but there should be some forethought from the building
21 code enforcement side how that is going to be dealt with and I don't know if there
22 is a good answer to that. That is your guys' job to figure that out. I sincerely
23 believe that there will be significant numbers of yards that are going to go brown
24 and that is something that the City is going to react to or I don't know. You may
25 need to think or that or just turn an eye to it because there are brown lawns, but
26 you may want to bring that up with Council. You know there may be an
27 emergency resolution or something to avoid having to get into issuance of
28 notices of violations and so forth.

29
30 **ASSOCIATE PLANNER DESCOTEAUX** – And that is a concern and we are
31 going to be looking at that as well, but we do have a lot of homeowners that are
32 coming in and asking us what can I do, what can I change. A lot of their tracts
33 were designed with turf in the front yard. That is how they were all designed and
34 you know we go back and look at the plan and it says all grass, but we're looking
35 at other alternatives now; what can you do. You know of course we don't want
36 concrete. You can't concrete your whole yard, which is something that some feel
37 would help, but it doesn't help. We still need to have a pervious pavement and
38 so again we're working with them. We're giving them ideas. They are giving us
39 ideas, so everybody is kind of working together, but we're all reacting to
40 something and trying to make it happen.

41
42 **VICE CHAIR SIMS** – Three or four months from now though, people are going to
43 have their meters shut off because they are going to get penalized with these.
44 They won't realize what they are in to and it is going to be I don't know what to do
45 and the other thing is I think what you are going to hear on May 26th is the turf
46 removal program is significantly impacted at Metropolitan Water District. It has

1 been a rocket ship of applications and the funding isn't there, so you know there
2 is a real pinch down now. There is more in the queue than there is possibly
3 money to satisfy it at this point, unless Met's Board assigns some reserves to
4 handle this, but anyhow I'm glad Eastern is coming out and hopefully people will
5 listen and the other thing is these CIP projects, another thing would be and I
6 don't know what your ordinance says and development standards, but the City
7 may want to consider putting some kind of language in there to require that if you
8 are within a certain distance of a recycled water source that Eastern has a
9 source of supply that for commercial, parks or something like that, that there is a
10 requirement for the extension of the pipe at the developers expense to take offset
11 potable or recycled water for potable.

12
13 **ASSOCIATE PLANNER DESCOTEAUX** – Right and that is currently my
14 understanding. The developers that I worked with, they are already doing that.

15
16 **CHAIR LOWELL** – I do believe it is a standard in Eastern

17
18 **ASSOCIATE PLANNER DESCOTEAUX** – Yes

19
20 **CHAIR LOWELL** – I had a question. It is a pet project of mine; literally a pet
21 project. I pursued the City for quite a long time to get grass installed at the dog
22 park and it is in the very aired portion of the City where there is no real public
23 improvements. Is that public park going to be victim to the drought also? Is that
24 grass going to die or is that grass going to stay irrigated?

25
26 **ASSOCIATE PLANNER DESCOTEAUX** – Currently they haven't made a
27 decision it is my understanding on the parks yet. They'll be working with EMWD
28 and looking at that. Again they have already cut 20 percent and most if not all of
29 our parks are using recycled water.

30
31 **CHAIR LOWELL** – Recycled water is a good thing.

32
33 **ASSOCIATE PLANNER DESCOTEAUX** – Right, as things change and as we
34 get more information, then we'll have more information and we can pass that on
35 to you if when we get that information.

36
37 **VICE CHAIR SIMS** – One of the things just to keep in mind is the way this thing
38 is going to work is that the Governor based the cuts off of year 2013; four months
39 in 2013 where a lot of the cities and customers have already through use of the
40 water budget rates already have realized a price increase and have already cut
41 their water consumption down, so this is another cut back on top of the already
42 conservation that is occurring through this happening, so it is a real deal. I don't
43 want to beat my drum too hard, but it will be a real deal. It will hit people in the
44 pocketbook and you will see a dip. I think it is systemic change that is going to
45 happen and you will see probably long term effects because people will let their

1 lawns die and there will be a second thought in ever replacing that with turf and
2 you will see a different landscaping.

3
4 **COMMISSIONER VAN NATTA** – There are two things that come to mind and of
5 course my focus is on residential real estate and the homes. There are a
6 number of associations that police their own neighborhoods and have standards
7 and so forth. Will there be some sort of mechanism by which to encourage these
8 HOA's to make changes to their standards so that people within those
9 associations can change their landscaping without getting dinged and fined by
10 their own HOA's?

11
12 **ASSOCIATE PLANNER DESCOTEAUX** – I don't think we have an answer to
13 that specifically yet, however I think that once the cuts start with EMWD they are
14 going have to look at and help their homeowners and maybe change their ideas.
15 We are all going to have to change our ideas. This is a lifestyle change. It is
16 going to affect us for a long time.

17
18 **COMMISSIONER VAN NATTA** – Would it be possible to have someone reach
19 out to the HOA's specifically and help them recreate what their landscaping
20 standards are to meet those requirements?

21
22 **VICE CHAIR SIMS** – Meli at our water district, we are doing outreach to all of the
23 HOA's in our community, but that is their own bylaws and things that are fixed up,
24 so they'll probably have to adjust those bylaws.

25
26 **COMMISSIONER VAN NATTA** – They'll probably use some assistance in how
27 to adjust those bylaws to make their landscaping standards work. The other side
28 of it is development of a residential use for gray water for irrigation.

29
30 **VICE CHAIR SIMS** – Very tricky. Very health hazard.

31
32 **ASSOCIATE PLANNER DESCOTEAUX** – Again, that would all be decided by
33 the water purveyor and they pretty much determine what water goes to where.
34 The City doesn't have any...

35
36 **COMMISSIONER VAN NATTA** – I believe it is allowed at this point to use your
37 washing machine water to go directly to the landscaping. Is that not...

38
39 **ASSOCIATE PLANNER DESCOTEAUX** – I don't think that is. You would have
40 to check again with the water purveyor, but it is my understanding that's not
41 allowed. You can't guarantee that somebody is going to use eco soap and
42 whatever other toxins you might be putting into the soil.

43
44 **COMMISSIONER VAN NATTA** – Because I know people with septic tanks that
45 do that with their washing machine water. So you are saying that isn't something
46 that is actually allowed. They are just doing it.

1
2 **VICE CHAIR SIMS** – County Health disallows that. It’s just that there is bacteria
3 in the clothes wash water that should go through the treatment process.

4
5 **CHAIR LOWELL** – Any other comments on this? Thank you Julia, I appreciate it
6 and now we get to move on to the next item.

7
8
9
10
11 **3. For Discussion: PC Rules of Procedure Regarding Alternate**
12 **Planning Commissioners**

13
14
15
16 **CHAIR LOWELL** – Now we get to move on to the next item which is the
17 Planning Commission Rules of Procedure regarding Alternate Planning
18 Commissioners. Do we have any Staff Comments for this item?

19
20 **PLANNING OFFICIAL SANDZIMIER** – Sure, we recently did talk about the rules
21 of procedure and we kind of buttoned it up kind of nicely for you. The City
22 Council has elected to appoint two new Alternate Planning Commissioners who
23 were sworn in this evening, so in the ordinance that was adopted by the City
24 Council there is a specific line in there that says that the Planning Commission
25 should consider their rules of procedure to identify how those alternates will be
26 incorporated into the meeting process. The City Attorney; the Deputy City
27 Attorney Paul Early and I are here tonight to entertain thoughts or comments
28 from you to try and take some thoughts back where we can actually craft some
29 language that would go into your rules of procedure about this. We do not have
30 any specific recommendations but we might be able to help guide you in
31 consideration. One of the big considerations that we’re aware of at this point is
32 we have a big project that is going to be coming before you and we believe that
33 there is going to be a lot of public interest and public testimony and so that
34 particular project, just like any other project could go through multiple meetings.
35 It is usually rare but it could happen and it could happen pretty shortly and that
36 project, World Logistics Center is supposed to be coming before you starting in
37 June and so if there are going to be multiple meetings, one of the things that
38 becomes important is considering how the alternates are used during the course
39 of a project like that and so we would ask maybe for some input from you guys
40 tonight if you have any thoughts on that already. Right now the alternates are
41 receiving the Staff Report and the Agenda and they’re expected as we
42 understand to read through those materials and to be present at the Planning
43 Commission Meetings and sit through the Planning Commission Meeting. If they
44 get here and there is a vacancy the option would be for them to take the seat at
45 that particular meeting and hear those items. If a particular Commissioner has to
46 recuse himself from an item for whatever reason that creates a vacancy they

1 could step up and can sit in. If a Commissioner was to get sick during the course
2 of the meeting and had to leave for part of it, the alternate could come in and
3 step in for that or if there was any other reason for a vacancy to be created.
4 Those are the circumstances that might come up that an alternate sits in, so
5 those are just some thoughts. I'll ask Paul if there is any other thoughts or
6 anything specifically in the ordinance that we need to bring to their attention.

7
8 **DEPUTY CITY ATTORNEY EARLY** – I just jotted some thoughts as well for
9 discussion. You know we are kind of hoping here tonight is to get some
10 discussion and feedback from you as a Commission. If there is any consensus
11 on any of these items, then we can bring back to you in a formal proposal for the
12 next time. One of the threshold issues that was not addressed in the ordinance
13 and that we need to address is how the alternates are selected to serve. Do they
14 alternate? Is it a random selection each time a vacancy occurs? Are we flipping
15 a coin? What process are we going to use to select which alternate is going to
16 come up there if there is one vacancy and then which the following time and how
17 that is going to be handled. Another issue is what level of participation if any, will
18 alternates have when they are not seated as alternates, so for example when
19 there is a full Commission here tonight do we want to allow alternate
20 Commissioners to ask questions of Staff as Commissioners would? For regular
21 items, I don't see where that would be helpful or necessary, but if it is a Public
22 Hearing Item; particularly a Public Hearing Item that may run to a subsequent
23 meeting; may be continued to a subsequent meeting, in that case I can see a
24 strong value to having the alternates participate because they may be called
25 upon to be the actual voter at the subsequent meeting, so it is something to keep
26 in mind as we're talking. More than twice, if it goes three dates, does the original
27 Commissioner return to the seat on date 3 or does the alternate stay in the seat
28 and I have due process thoughts and concerns on that as well, but it is a
29 scenario that could very well happen particularly with significant major projects.
30 And then also addressing how we handle alternate switching out for individual
31 items which Rick touched on. It is not necessarily if you are asking for the entire
32 meeting if you are conflict of interest out. Conflict of interest is not an abstention,
33 it is an absence from the vote on that particular item. You are not counted
34 towards the quorum for instance if you are out for a conflict of interest, so that
35 would be a circumstance where an alternate would be called upon pursuant to
36 the ordinance, which allows alternates for the entire or any part of a meeting, so
37 how we fit that in with it as well, so we wanted to hear your concerns, kind of go
38 through those items and get some guidance from you tonight and questions of
39 course.

40
41 **CHAIR LOWELL** – I have quite a few comments and questions but I'll defer till
42 after everybody else speaks. Jeffrey Barnes you are the first one up.

43
44 **COMMISSIONER BARNES** – Well you brought up one of the questions that I
45 was concerned about which is how the alternates are handled when a meeting is
46 continued. I'm concerned about portions of testimony being heard and

1 considered and then Commissioners obviously not in attendance for the next
2 meeting and then comes back, so it seems like a very slippery slope. But the
3 other question that I had is did the Council in their discussions of this and maybe
4 it is not appropriate to pass any of that on, but did they share any thoughts during
5 their discussion as to what their thinking or how they are thinking this would
6 work?

7
8 **DEPUTY CITY ATTORNEY EARLY** – I don't know specifically the answer to that
9 question other than that the ordinance that they adopted and voted on expressly
10 put the power in this Commission's hand. The Planning Commission shall adopt
11 such rules as are necessary to effectuate the purpose of this section.

12
13 **COMMISSIONER BARNES** – Could you pass on our thanks to them.

14
15 **DEPUTY CITY ATTORNEY EARLY** – Yes

16
17 **CHAIR LOWELL** – For clarification before you go too much further, could you
18 read what was actually adopted?

19
20 **DEPUTY CITY ATTORNEY EARLY** – Sure, it's not that long. I can give you the
21 actual. In addition to the paragraph I just read to you. It says in addition to the
22 seven regular members, the City Council may at its discretion may appoint two
23 Planning Commissioner alternates who shall serve for a term of two years. The
24 alternate members of the Planning Commission shall attend all regular and
25 special meetings of the Planning Commission. If a regular member of the
26 Commission is absent for any reason from all or any part of a regular or special
27 meeting of the Planning Commission, a sworn alternate member shall participate
28 in such meeting during the period of absence. During such participation, the
29 alternate member shall receive and exercise all rights and privileges of a regular
30 member including the right to vote on matters before the Planning Commission.
31 Only when participating in a meeting, shall the alternate member receive a
32 stipend.

33
34 **CHAIR LOWELL** – So in there it says the City Council may select, but then they
35 said.

36
37 **DEPUTY CITY ATTORNEY EARLY** – But they have...

38
39 **CHAIR LOWELL** – But then they said the selected alternates shall participate.

40
41 **DEPUTY CITY ATTORNEY EARLY** – Right. The Council...the ordinance that
42 would pass didn't require the Council to in fact to appoint alternates. At that
43 meeting they did in fact appoint the two alternates that are right here, so we
44 currently have those, but in two years when their term is up or if one of them
45 becomes vacant during their term, there is no requirement that the Council fill

1 them. They could choose to just leave those alternate positions unfilled if they
2 wanted to.

3
4 **CHAIR LOWELL** – Commissioner Van Natta are you next?

5
6 **COMMISSIONER VAN NATTA** – Okay first of all I noticed there wasn't anything
7 there in the reading that said that if a Commissioner no longer serves, quits,
8 resigns, moves away or whatever, that one of those alternates shall be appointed
9 to complete the term of that Commissioner, so it could end up being rotating
10 between the two of them for the rest of the time.

11
12 **DEPUTY CITY ATTORNEY EARLY** – It certainly is a possibility depending on
13 how we structure those rules and yes a long term absence is certainly something
14 I think we should address separately than a single meeting absence.

15
16 **COMMISSIONER VAN NATTA** – Okay it sounds as though the City Council did
17 not give us as much latitude as we thought they might have by saying that they
18 shall participate if someone is absent for some reason, like for example what we
19 have done in the past if there was a conflict, the person left for that particular
20 item and then came back in and there hasn't been an issue with continuing with
21 only six Commissioners instead of seven.

22
23 **DEPUTY CITY ATTORNEY EARLY** – That's correct. As long as we have a
24 quorum, State Law allowed us to continue on as long as we had at least four
25 here.

26
27 **COMMISSIONER VAN NATTA** – So now this new ordinance says that we have
28 to...

29
30 **DEPUTY CITY ATTORNEY EARLY** – One of the alternates shall take the seat

31
32 **COMMISSIONER VAN NATTA** – Shall means we have to

33
34 **DEPUTY CITY ATTORNEY EARLY** – Yes

35
36 **COMMISSIONER VAN NATTA** - So we can't say okay there is a quorum here,
37 we don't need to bring one of the alternates up, that it is a given we will have
38 one.

39
40 **DEPUTY CITY ATTORNEY EARLY**- Correct

41
42 **COMMISSIONER VAN NATTA** – Okay, so there is no decision making on the
43 part of this body or the Chair to say when or when not we are going to use an
44 alternate?

1 **PLANNING OFFICIAL SANDZIMIER** – If I may. On that one, it has to presume
2 that one of the alternates is present to take the seat, so that is one of the things
3 that we may want to discuss is right now we do have both alternates here tonight,
4 but if there was a circumstance where the two alternates or one of the alternates
5 did not show up for the meeting for whatever reason and one of you had to leave
6 and we didn't have somebody to put up there, I don't think the intention was to
7 stop the meeting and make a call and have that person drive down here, but by
8 the word being shall, we should probably just make sure we address it and put it
9 to rest in terms of what the understanding is.

10
11 **COMMISSIONER VAN NATTA** – Yeah, okay. Which removes one of my things
12 which is would they only be appointed if we had a need for a tie breaker and
13 apparently not. The other thing you mentioned is what about if they're here in the
14 meeting they are sitting there listening and there is a possibility that at some
15 point they might need to fill in for a Commissioner because of a multi-night
16 meeting or something like you were mentioning. That slippery slope about
17 should they participate, I would think they would be considered more like a jury
18 alternate. A jury alternate does not participate in anything that is going on. They
19 are listening, taking notes, formulating opinions or whatever, so that if a juror is
20 gone, then the alternate steps in and takes that persons place. The other thing is
21 would they be replaced by the Commissioner when they come back and I would
22 think not for that same item. For a different item perhaps like somebody recuses
23 themselves for a particular item and the alternate steps in and then the
24 Commissioner comes back, the alternate steps down and the Commissioner
25 finishes out the meeting with the other items, but if we are on one item and a
26 Commissioner leaves or is not available for the next meeting, the alternate steps
27 in, then I don't think it would be appropriate for the Commissioner to come back
28 and replace the alternate for that particular item.

29
30 **DEPUTY CITY ATTORNEY EARLY** – And I would agree. That particular issue
31 is probably the single greatest legal concern of mine with respect to the whole
32 alternate proposal. And this only relates to Public Hearing Items, which is a lot of
33 what the Planning Commission does and so in this conversation I'm about to
34 have it addresses a question that Commissioner Barnes started to ask and I
35 really didn't have a chance to address yet, but in the context of a Public Hearing
36 Item, this body; this Commission is sitting in adjudicatory manner. You are
37 making a judicial type decision; quasi-judicial decision which requires that due
38 process be given to the applicant and to the opponents of the project at all times.
39 One of those things as you are aware, is that you are presumed to have been
40 prepared and have read the materials before a meeting, so if you put this into the
41 context of how an alternate might sit in, if you have a multi say two meetings and
42 the whole body is here for the first meeting and the alternates are present and
43 then the next meeting an alternate has to come in. The alternate can say we
44 satisfy that due process requirement, that the alternate was present and
45 familiarized himself and aware of all the information for the meeting. In the three
46 meeting scenario where then the original Commissioner comes back, you don't

1 have that because that original Commissioner was missing for the second, so I
2 would highly recommend that in that context that we stick with the alternate
3 Commissioner; the one who is present for meetings and two and three... well
4 present for all three, but sitting on the dais for meetings two and three. I think the
5 argument can be made that due process was provided as long as that
6 Commissioner was present. Whether they participate or not at meeting one as
7 an alternate, that is an open question that I think you can decide whether or not
8 that is of value or not. I don't think it's required.

9
10 **COMMISSIONER VAN NATTA** – Then my final question and I'll let other people
11 get a few words in edge-wise. My final question is what constitutes an absence
12 and I noticed on the City Council there have been times where a Councilperson
13 has not been present in the room, but has attended the meeting via telephone,
14 skype or whatever it is they use and is still considered to be present.

15
16 **DEPUTY CITY ATTORNEY EARLY** – That's correct. I would... my interpretation
17 and the way I think would be the easiest to look at this would be any time a
18 member is not present for purposes of constituting a quorum, so if you are
19 present through telecommunication and lawfully it has been agendized as such
20 because there are specific rules for appearing by telecommunication, but if you
21 are, then you are present for that meeting and you are counted towards the
22 quorum. If you are here for the meeting and you step out to use the restroom or
23 to talk to somebody and you're not here for an item, you are still present and
24 counted as a member of the quorum. If you abstain from an action, you are still
25 present for purposes of a quorum, however if you recuse yourself from an item
26 for a conflict of interest reason, you are not counted towards the quorum. So if
27 we had four Commissioners here and one of you recused himself for a conflict,
28 we would not be able to carry on with that item. In this case, we would. So that
29 is the context that I would think is the easiest way to interpret an absence would
30 be under those criteria.

31
32 **COMMISSIONER VAN NATTA** – So for example if we had something that
33 looked like it was going to be three meetings and I was able to come to the first
34 one, wasn't able to come to the second one but I attended via
35 telecommunications and then was back for the third one, then there wouldn't be a
36 reason or a need to have an alternate take my place. I could still come back for
37 the final one and enter into whatever deliberations to finalize the matter.

38
39 **DEPUTY CITY ATTORNEY EARLY** – That's correct because your second
40 appearance you were not absent, you are legally here through just via
41 telecommunication.

42
43 **COMMISSIONER VAN NATTA** – Okay

44
45 **VICE CHAIR SIMS** – So a couple of questions before I make comments.
46 Congratulations to the alternates. I don't know if it is congratulations or

1 condolences because of what I understood what I heard here. So the alternates
2 attend or are expected to attend by ordinance are mandated to attend each and
3 every meeting and be prepared the meeting but receive no stipend unless are
4 participants as an alternate.

5
6 **DEPUTY CITY ATTORNEY EARLY** – Or any or part of a meeting, so even if
7 they are called up for one item, they would still receive the stipend.

8
9 **VICE CHAIR SIMS** – Okay, I think that’s a slippery ... I think on its face unfair.
10 There is a lot of work to be done... you know, not that you do it for the stipend;
11 it’s a token, but I think that’s just inherently unfair. If you are going to go down
12 that route, the alternates should receive a stipend because of their time and effort
13 to be prepared if they are to participate in full as an active alternate. I’d like to
14 know is there any agency in California or in the United States that has such a
15 thing as Alternate Planning Commissioners of this. I’ve never heard of this
16 before.

17
18 **DEPUTY CITY ATTORNEY EARLY** – I haven’t done the research, but I can
19 concur with you that I’ve never heard of it before.

20
21 **VICE CHAIR SIMS** – I believe this is a very redundant and no disrespect to the
22 alternates. I find it is an absolute redundant thing. If there is a quorum of
23 Planning Commissioners to proceed with the meeting, there is no need for
24 alternates. You can proceed with the meeting. I don’t understand this.

25
26 **PLANNING OFFICIAL SANDZIMIER** – To answer the question, I am not familiar
27 with any jurisdiction but I have not done extensive research to confirm that there
28 isn’t such a circumstance and I defer to the Commission.

29
30 **VICE CHAIR SIMS** – It just seems fraught for not being very successful because
31 you have two people that are expected to be fully prepared and anyhow, it is for
32 the love of the job I suppose and community, but I have heard of Committees of
33 the Whole where you have... for instance at our organization we have
34 committees that would be comprised of less than a quorum of the Board of
35 Directors, so if you have a five body or seven body, you would have three or less
36 as a committee, but you allow attendance by others to provide a Committee of
37 the Whole to attend meetings but not participate. This is a really weird thing.
38 You know you have one person coming in; a sitting Planning Commissioner start
39 a hearing, for instance if let’s say the Logistics project goes in and it is three, four
40 or five meetings to get through all of the hearings and so forth... Planning
41 Commissioner or any of the Planning Commissioners are here for two of the
42 meetings and they have a ten thousand dollar vacation thing and they are going
43 to be gone for the next three meetings or two meetings and then they want to
44 show up for the fifth meeting, how has due process ever served for or... it is just;
45 I don’t get it. I just don’t understand it. I thought with the Alternate Planning
46 Commissioner thought is if any of us dropped off and there has already been a

1 vetting process of Commissioners and then you would have somebody ready to
2 go. You would just call them and okay; Sims dropped off; he's out; we've got one
3 we vetted and went through the process; it was open; it was transparent; it was
4 within that two year timeframe and that person goes in. Anyhow, I guess I need
5 to understand more.

6
7 **CHAIR LOWELL** – Would you like to go again Commissioner Barnes?
8

9 **COMMISSIONER BARNES** – Well first I want to agree with pretty much
10 everything that Commissioner Sims said about the appearance of the whole
11 process. It just seems very odd to me. The other thing that I'm concerned about
12 and I know that we are supposed to be an impartial body and nothing in this City
13 every becomes political in nature, but the concern that I would have and maybe
14 this is over-analyzing, but then you get into the drama of which alternate is
15 selected based on a perception of how they might vote. It just opens a can of
16 worms that could never end, so in addition to the things that Commissioner Sims
17 has pointed out, I see that as being a potential. One of my concerns is for the
18 applicants and the exposure of the City in this whole process and by introducing
19 this very unique situation, it just seems a recipe for I don't know, conflict and
20 contention that wouldn't necessarily have to be there. It's not really a question,
21 more of an observation.
22

23 **CHAIR LOWELL** – Let me jump in here. This has actually been one of my
24 primary focuses on the Planning Commission members. When I first became
25 part of the Planning Commission, I asked City Council; I asked the Attorney
26 Suzanne Bryant if there was an option to have an alternate. The original intent of
27 my suggestion was to have somebody waiting in the wings should a position
28 become permanently vacant, i.e. and I can't remember her name and then when
29 Giba left. In my time on the Commission, we've had two seats become
30 permanently vacant. The original intent when I approached City Council on this
31 was to have an alternate sitting in the wings that had already been vetted so the
32 seat won't stay open for four or five months while the City goes through the
33 process of announcing the position, receiving applications, determining who is
34 qualified; who is eligible, then interviewing people and then going to a vote and
35 appointing them and swearing them in. That is a long process, but if we already
36 had alternates in the wings like we have now, it could be a position that could be
37 quickly filled on a moment's notice for the long term; not having a floating body.
38 The idea of having a floating body raising consistency questions where this
39 Planning Commission has been a permanent fixture for x amount of months, x
40 amount of years. We have sets of opinions, beliefs and when you start throwing
41 two alternate people in here, you actually start shuffling the cards a little bit and
42 like Commissioner Barnes was saying that you could actually tailor this body to
43 vote a specific way by convincing somebody to be absent, which I'm not saying it
44 happens or won't happen or will happen, but in the event that we have this large
45 project coming up, it opens ourselves up to litigation. It opens ourselves up to
46 scrutiny and it is just a bad idea to have this variable that has been untested,

1 untried in my knowledge and any other Planning Commission that I know of. I
2 think it is just a bad idea, plus no offence to the alternates, but having to be
3 prepared for every single meeting, not knowing until 7 o'clock on a Thursday
4 night whether or not you or going to be able to participate is a waste of your time.
5 You are not going to get compensated. You are going to spend countless hours,
6 maybe even days doing all the research to sit there in the audience and some of
7 the meetings go to midnight, so you are going to be wasting five or six or seven
8 hours of your day for nothing. It is not fair to the alternates. It is not fair to the
9 applicant. It is just a bad idea to have a floating alternate. If it is a permanent
10 alternate to fill in a permanent vacancy, I one hundred percent support it. Is
11 there any way we can have this item re-addressed to the City Council and re-
12 looked at because I do know the City Council gave Staff a direction saying this is
13 what they want, but I don't think they thought it out completely. Let me let him
14 answer real quickly.

15
16 **DEPUTY CITY ATTORNEY EARLY** – Staff can certainly bring the Commission's
17 concerns to the City Manager and to the Council members to see if any of them
18 are willing to or are interested in placing it back on their Agenda for either a
19 Study Session or a Regular Meeting to either hear or address those concerns.
20 That is something that Staff can certainly bring up to that level.

21
22 **PLANNING OFFICIAL SANDZIMIER** – I think what I'd be asking though right
23 now we're taking some individual Commission comments, but if there is a
24 consensus on certain items, I think it would be appropriate for you at least take a
25 straw poll vote or something to let me know and let Paul know if this is a strong
26 concern, a collective concern or any other issues, but I shouldn't even call them
27 concerns but just your perspective or your thoughts. I would just be asking to
28 instead of it being an individual Commissioner...

29
30 **CHAIR LOWELL** – My concern is not using a floating alternate to fill in an
31 abstention, in an absence. I would like to see Council's or the Commissions
32 thoughts on not utilizing a floating alternative alternate, but using a permanent
33 alternate should one seat becoming vacant and that would be sole purpose of
34 the alternate. I vote yes and that is my concern.

35
36 **COMMISSIONER VAN NATTA** – Well before we go to a vote, I mean before
37 we... there is a couple of other things that I'd like to say before we go any further,
38 but I see Jeffrey is up there ahead of me.

39
40 **CHAIR LOWELL** – Commissioner Sims go ahead.

41
42 **VICE CHAIR SIMS** – I'll concede

43
44 **COMMISSIONER VAN NATTA** – Okay well first of all I'm a little affronted on
45 behalf of the entire Planning Commission that this was not something that was
46 brought as a study item between the City Council and the Planning Commission

1 to get these things addressed, talked about, vetted before it was made into an
2 ordinance, so a personal comment there. The other thing is they have already
3 decided on it and made it an ordinance. There is one simple thing that would
4 make it much more palatable I think. After that word shall, at the discretion of the
5 Chair; the Planning Commission Chair so that okay an alternate is available to be
6 called in if it looks like we're not going to have enough people to have a quorum.
7 If it looks like we're going to end up with a split vote and we need a tie breaker or
8 if someone is going to be absent for several meetings for whatever reason, at the
9 discretion of the Chair so that the Planning Commission is making that decision
10 of when it is appropriate to bring in an alternate.

11
12 **COMMISSIONER KORZEC** - I'm kind of new here and I'm just wondering within
13 the last year how many times looking at the absentees and the recuses, would
14 an alternate have been used? Do you have any idea?

15
16 **COMMISSIONER VAN NATTA** – Would have been used or would have been
17 necessary?

18
19 **DEPUTY CITY ATTORNEY EARLY** – Necessary... well

20
21 **COMMISSIONER KORZEC** – Just an approximate

22
23 **DEPUTY CITY ATTORNEY EARLY** – Rick and I haven't been here a full year I
24 don't think

25
26 **PLANNING OFFICIAL SANDZIMIER** – Since September there would have not
27 been one instance where it would have been required. There was one project I
28 believe where we got down to four Commissioners and it required all four to vote
29 on the project, so it was a little bit risky in case you came up with a split vote.
30 What would have happened with that ...

31
32 **DEPUTY CITY ATTORNEY EARLY** – We did have a split vote

33
34 **CHAIR LOWELL** – We had two yay, two nay and two abstention

35
36 **PLANNING OFFICIAL SANDZIMIER** – That is true.

37
38 **CHAIR LOWELL** – It became a tie

39
40 **PLANNING OFFICIAL SANDZIMIER** – That could have been a swing vote there

41
42 **COMMISSIONER VAN NATTA** – But it wasn't as I recall, it wasn't on a project, it
43 was on some...

44
45 **CHAIR LOWELL** – I believe it was on a project

1 **COMMISSIONER VAN NATTA** – Was it on a project?

2
3 **CHAIR LOWELL** – On a development over by the Christian Church off of Perris
4 and Cottonwood.

5
6 **COMMISSIONER VAN NATTA** – Oh okay. Other than that in my time on the
7 Commission it has not happened before or since.

8
9 **CHAIR LOWELL** – Like I said, the original intent was to fill a vacancy. When
10 Giba left and I can't remember... Crothers; Amber Crothers, when she left, there
11 vacancies for several months and it would have been nice to have someone in
12 the wings to fast track and fill that seat so we have a seven member body again.

13
14 **PLANNING OFFICIAL SANDZIMIER** – But if the... on the other item when we
15 did have a split vote. You still had the quorum to constitute the meeting. You still
16 had the rules and procedures available to conduct the business of the
17 Commission and there still was rules; the Brown Act rules were followed and the
18 fact that you ended with a split vote doesn't make it an inappropriate or improper
19 meeting. The only thing that the...

20
21 **DEPUTY CITY ATTORNEY EARLY** – It simply didn't pass

22
23 **PLANNING OFFICIAL SANDZIMIER** – It didn't pass and that is what is allowed
24 under the Brown Act. Now if the objective was never to have ties and you
25 wanted to always have the ability to have a majority, then that would have been
26 the only circumstance that I've ever seen in almost 30 years of this where that
27 would have probably come into play.

28
29 **CHAIR LOWELL** – Commissioner Korzec do you have any more comments?

30
31 **COMMISSIONER KORZEC** – No I'm through

32
33 **COMMISSIONER VAN NATTA** – We could have had a split vote with a full
34 seven member. You could have had one abstention and three four and three
35 against it. It doesn't solve... having an additional person doesn't solve it.

36
37 **COMMISSIONER BARNES** – The more I think about this, the more things you
38 know come up that concern me, but the other option or the other opportunity for
39 inappropriate action is as we all know we serve at the will of the Council and
40 unfortunately bringing up the political climate again, here is another opportunity
41 for swaying the vote of the Commission by knowing who the alternate is, their
42 availability and having an idea or thought as to how they might vote and I'm not
43 saying that would happen, but any opportunity that could be conceived or be
44 perceived in that way just opens up another controversy that we don't need.

45

1 **CHAIR LOWELL** – Does the Staff happen to know how the City Council voted on
2 this item; if it was an unanimous; if it was 4 to 1; 3 to 2? If I'm not mistaken I
3 believe it was split a 3 to 2 vote, so it wasn't unanimous was my recollection.

4
5 **COMMISSIONER BARNES** – I'll do the alternate vote

6
7 **COMMISSIONER VAN NATTA** – Alternate City Councilperson

8
9 **CHAIR LOWELL** – The Alternate City Councilman

10
11 **COMMISSIONER BARNES** – Yeah

12
13 **CHAIR LOWELL** – Well while we're waiting...

14
15 **DEPUTY CITY ATTORNEY EARLY** – I have that information if you want it. It
16 was unanimous by five members... Molina, Gutierrez, Giba, Jempson and Price.

17
18 **VICE CHAIR SIMS** – But the ordinance covers more than just this. If I recall
19 there was other things within the ordinance or was this a single sole purpose
20 ordinance for this one specific governance issue?

21
22 **DEPUTY CITY ATTORNEY EARLY** – The entire ordinance was the paragraph I
23 read you. A paragraph that said the alternates must comply with all conflict of
24 interest and Brown Act Regulations and that said that the Planning Commission
25 shall adopt the rules and procedures. That was the entire ordinance.

26
27 **CHAIR LOWELL** – Well just out of curiosity, did the Planning Commissioner
28 alternates have any comments or say on this? They are here. Might as well let
29 them speak.

30
31 **ALTERNATE COMMISSIONER GONZALEZ** - Hi I do have a few comments. I
32 hear the concerns of Commissioner Lowell and Sims and Mr. Barnes. I do find
33 that having a Commissioner alternate be here for the whole for a variety of
34 meetings and never be called is probably a misuse of resources if we are never
35 going to be called in, because I attended as being part of being involved in the
36 process, I do remember your original intent was to have going through a vetting
37 process and having them ready so if there is a vacancy; a permanent vacancy
38 you come on in. I do agree with that part. As far as the political machinations of
39 what can happen, I mean that is the City we live in right now, no one really knows
40 how I am going to vote. I haven't been asked to analyze a project, so how am I
41 going to vote, so I don't see that necessarily as a concern, but again we do live in
42 a political arena and some people may know how some people feel and others
43 may know how other feel, so those are my observations. I do want to be... I
44 went through a process, but I do want to be involved. I do want to serve my
45 community as much as I can, but what I don't want to happen is for it to... if there
46 is maybe a perception that there is maybe some confusion or you know did you

1 make this decision or did you comment on this one or that one. I mean I just
2 want to make sure it very clear and transparent and that everyone knows their
3 roles and responsibilities. Those are my thoughts.

4
5 **CHAIR LOWELL** – Ms. Nickel do you have any questions or comments?
6

7 **ALTERNATE COMMISSIONER NICKEL** – Yes. I guess in one way I could say
8 I’m a little offended to think I’d be used as a political plant because I hear that
9 little undertone behind there. That is never been how I’d never operated in any
10 type of capacity where I’d served at the County. You could ask if you go back in
11 time when the City of Moreno came and I was a grant reviewer for RCTC for
12 SV821 funds. They didn’t score any higher just because I lived in Moreno Valley
13 if they didn’t meet the criteria for the grant, but I think probably for both of us is
14 that we were asked if we would be willing to sit in observation and willing to do
15 the homework and participate that way. We were asked to do that and we’re still
16 under the same legal requirements as far as Form 700; all of those just as you
17 are, so we’re in it for the haul however it goes. What I am sorry and I can
18 probably agree with you is that your questions didn’t come up to Council. I’m
19 kind of confused how if you knew this was coming.
20

21 **CHAIR LOWELL** – We did not know it was coming
22

23 **ALTERNATE COMMISSIONER NICKEL** – Well but you know it was agendized
24 on City Council right?
25

26 **CHAIR LOWELL** – Not really
27

28 **ALTERNATE COMMISSIONER NICKEL** – For the ordinance, but ...
29

30 **CHAIR LOWELL** – We knew that new Commissioners were being appointed.
31 We knew that there was some possibility of alternates, but the actual letter of the
32 law, this is news to us within the last week or so.
33

34 **ALTERNATE COMMISSIONER NICKEL** – You had no inclination that they had
35 agendized an ordinance? So you are not following the City Council Agenda’s at
36 all? Just curious?
37

38 **COMMISSIONER VAN NATTA** – Sometimes
39

40 **VICE CHAIR SIMS** – Not all of them
41

42 **ALTERNATE COMMISSIONER NICKEL** – Okay
43

44 **VICE CHAIR SIMS** – Fair enough. If I would have known that, I would have
45 come and spoke against this. I mean nothing against you and don’t be offended
46 by our comments...

1
2 **ALTERNATE COMMISSIONER NICKEL** – Oh no, no, no

3
4 **VICE CHAIR SIMS** - But just seems like a very...to me this seems like a very
5 redundant unnecessary...

6
7 **ALTERNATE COMMISSIONER NICKEL** – Unfortunately this is where we're at.
8 I know he and I were both asked the same thing. Would you be willing?

9
10 **VICE CHAIR SIMS** – So what happens if we don't make any rules?

11
12 **ALTERNATE COMMISSIONER NICKEL** – Oh then I guess...

13
14 **COMMISSIONER VAN NATTA** – No, they said we shall make the rules

15
16 **DEPUTY CITY ATTORNEY EARLY** – If we don't actually adopt any changes to
17 the rules and procedures, then it will lie in wait until the first opportunity of a
18 vacancy happens and we'll have to address it on a motion and vote on each
19 issue that comes with respect to that. So we'll have to handle it on a case by
20 case basis.

21
22 **CHAIR LOWELL** – I have a slew of Commissioners still wishing to speak. Vice
23 Chair Sims do you have any more comments?

24
25 **VICE CHAIR SIMS** – Just because something gets passed, doesn't necessarily
26 mean it is always the thing that has to stay. I mean ordinances get rescinded
27 now and again and certainly there must have been some thought that went into it
28 by the Council. I don't know if they thought through all the details. I personally
29 would like the Council or Staff or I would propose it that as a Planning body that
30 maybe we suggest that this go back and have the Council provide guidance to
31 the Planning Commission from a model of any other community or governing
32 within the United States that has implemented something that we could model.

33
34 **COMMISSIONER VAN NATTA** – Let's stick to California

35
36 **VICE CHAIR SIMS** – Or California... Southern California

37
38 **CHAIR LOWELL** – Can I interject? Is it within our authority to ask City Council to
39 have a Joint Study Session with the Planning Commission to discuss this item
40 specifically so we can all be on the same terms?

41
42 **DEPUTY CITY ATTORNEY EARLY** – You can certainly as Rick indicated
43 before, if you want to take a vote or recommendation or request that is coming
44 from the body and then we just want to make sure that we have the majority of
45 the body making that request or recommendation and we'll certainly bring it up.

1 **CHAIR LOWELL** – Do we have to make a full motion or can we just make a
2 suggestion?
3

4 **DEPUTY CITY ATTORNEY EARLY** – I think you were comfortable with the
5 straw poll, right Rick. We're conducting this a study session type of item right
6 now.
7

8 **PLANNING OFFICIAL SANDZIMIER** – This is just for discussion. It is not a
9 formality but what we're trying to do is take some feedback so we can actually
10 craft the revisions to the rules, but if the direction or the interest of the
11 Commission is to not change the rules and get clarification on what the City
12 Council's interest might be, then I just want to get a consensus to make sure that
13 I've got the majority that are interested in us doing that. We are trying to search
14 here on the internet any other cities that have alternates. There actually are a
15 few popping across the United States, but I can't find with the word alternate, but
16 it doesn't describe what the rules are yet. I have only been able to find one in the
17 State of California so far and that would be the City of San Marcos, but I can't
18 find anything yet on the internet here about what their rules and procedures are.
19 Other ones are in Carver, Minnesota, Provo, Utah and Village of North Syracuse,
20 New York and we believe that we should focus on California, but we're doing
21 some research so it doesn't sound like Moreno Valley is the only person that has
22 ever thought of this or agency that has thought of this, but we could do some
23 more research, but that is what we are finding so far.
24

25 **VICE CHAIR SIMS** – I would propose you know... I mean I like the idea Brian;
26 Commissioner Lowell about having some kind of Joint Workshop just to kind of
27 understand. I'd like to understand why the Council wants to do this. I think if
28 your intent was to have a vetting process and it was to be for replacement
29 Commissioners if somebody moved out of town or whatever was no longer
30 eligible or had to get off of the Commission, you'd have somebody ready to go to
31 start and you are still going. I think that provides great value and benefit to the
32 City to keep business moving and the process moving. This seems tough and I
33 don't understand what the value is of it because we have a Brown Act and we
34 comply with the Brown Act. We have quorums. We go with the quorum and if
35 you don't have enough for quorum you don't have a meeting. It kind of force fits,
36 so long story short, I would propose we seek to not make a decision tonight and
37 get some clarity from the Council what their true intent was with this. Is there a
38 recital in the ordinance that describes the purpose and intent of the alternate or is
39 there a Staff Report that ...
40

41 **COMMISSIONER VAN NATTA** – No, he read us the whole ordinance
42

43 **DEPUTY CITY ATTORNEY EARLY** – The Staff Report came from the City
44 Clerk's Office and essentially just mirrored the ordinance. It gave a brief history
45 of the timeline, the interviews being conducted for Planning Commissioners, the
46 second round of interviews and the then the ordinance and then the appointment.

1
2 **CHAIR LOWELL** – I also second what Sims is saying. I would like to not make a
3 motion tonight or make any new rules tonight. I would also like to ask the City
4 Council to entertain the idea of having a Joint Study Session with the
5 Commission; the Planning Commission. I would also like to ask City Council to
6 re-look at their intent and see if we can re-word the ordinance to have it geared
7 more towards a more permanent placement as opposed to a floating alternate. I
8 think that is a little bit more in the norm from what other Planning Commissions
9 might be experiencing. I think it is a little bit more above board and less legal
10 scrutiny.

11
12 **COMMISSIONER BARNES** – Terrible

13
14 **VICE CHAIR SIMS** – I mean this is one of those things you kind of have to look
15 at things on the extreme, so let's look at it at the extreme. I kind of find it a little
16 odd that we would have to have an alternate. We all committed to be on the
17 Planning Commission. You know we were appointed and we're committed to
18 making the time and effort to be here. Why don't we have alternates for the City
19 Council? Let's have a vote for alternate City Council people too. You know what
20 if they are gone and there is a big project? You know you take things to the
21 extreme. I'm not saying that makes sense, but for an illustrative person you have
22 to look at the bookends to make sure the rationale fits within the scope of what
23 you trying to accomplish.

24
25 **CHAIR LOWELL** – Well I have an alternate dog in case mine becomes sick and
26 has to go to the vet. He's just sitting there in the wings.

27
28 **COMMISSIONER KORZEC** – I'm not next to speak but can I jump in because
29 everyone else is. To me there might be a compromise on this and I was just
30 thinking about it. It seems like they want to see people sitting here and I know it
31 is unfair to make people sit there and prepare ahead of time. Just keep this in
32 mind. Perhaps they don't come to all the meetings, but if we know between 24
33 and 48 hours that we're not going to be here, an alternate can be called in.
34 They'll have time to prepare and sit here and then that would be to me not having
35 them here all the time jumping in and jumping out and then we wouldn't have the
36 empty seats if we knew we were on vacation. It is just a compromise but I hate
37 to see them sitting out there thinking they have to come fully prepared and it is
38 really unfair, but if we knew ahead of time they would have time to prepare. It is
39 just a thought.

40
41 **COMMISSIONER VAN NATTA** – I do like the idea of having some sort of a
42 meeting of the minds with the City Council, but given our past success in
43 arranging for any kind of a Study Session with the City Council, it hasn't worked
44 before. It has gotten put off and put off because the person isn't available or this
45 person... trying to get everybody together at the same time and sit down and
46 talk. I think the ordinance says pretty much what they wanted it to say, but one

1 of the things that it doesn't say as I mentioned before is it doesn't say in there
2 that it is provide a replacement for someone who leaves. That is nowhere in the
3 ordinance and even though they might have had that in mind; okay we have
4 these two people; we have them ready; we can appoint one of them if and when
5 we need them, I mean that is certainly something they could do even if they
6 weren't alternates. They've been interviewed. They've been vetted. They are
7 still out there. The City Council has the option of not going through the whole
8 process again if there is somebody that they already interviewed that they felt
9 was qualified and they want to appoint them.

10
11 **COMMISSIONER BARNES** – That wouldn't even require an ordinance. We just
12 have vetted applicants waiting in the wings.

13
14 **VICE CHAIR SIMS** – That has been part of the problem (inaudible – no sound)

15
16 **COMMISSIONER VAN NATTA** – Having them an alternate, but that's not in the
17 ordinance.

18
19 **CHAIR LOWELL** – I know but that's why

20
21 **COMMISSIONER VAN NATTA** – It would have to be in the ordinance. So if it
22 were in the ordinance that the alternate... one of the alternates would be
23 appointed if there is a vacancy; a permanent vacancy on the Commission. That
24 would make sense it were in the ordinance and it is not. The other thing that
25 would make sense is what I mentioned before about the shall participate; that
26 that be at the discretion of the Planning Commissioner Chair whether or not an
27 alternate is appointed to replace a Commissioner who is going to be vacant. I
28 don't see that there is any reason like you mentioned Commissioner Sims, any
29 reason for them to be sitting here every single night, sitting here for the entire
30 time and like Commissioner Korzec said; sitting here for the entire time and not
31 having anything to do and not being able to participate would have to be quite
32 unfair to not be compensated for... did I pronounce you name wrong... I'm sorry

33
34 **COMMISSIONER KORZEC** – No I said frustrating. To me it would be...

35
36 **COMMISSIONER VAN NATTA** – Yeah it is unfair to have them be required to do
37 that without being compensated for their time for being here and attending the
38 meeting, but I don't see that there is a reason if one person... I'm talking too
39 long; right. If one person either has to recuse themselves or one person is
40 absent and it happens at the last minute, I don't see any reason for it, but if
41 somebody is going to be absent for a lengthy period of time due to illness or
42 whatever it is and the Chair determines it would be prudent to appoint an
43 alternate for that period of time, I think that is where it needs to end up if the
44 Chair determines that we need an alternate.

45
46 **CHAIR LOWELL** – I think last but not least is Commissioner Barnes again.

1
2 **COMMISSIONER BARNES** – Well before we get too far away from my
3 comments, I wanted to clarify what I said earlier. I don't want them to be
4 misconstrued. I have no issue with the alternate Commissioner's ability to
5 appropriately judge a project. That is not the issue. My concern with it is that it
6 gives both the project applicant and the project opponent another opportunity to
7 contest the process and there has been enough contesting of the process for
8 than one City lately and I feel like it exposes or opens up more avenues for
9 contention. We've got a system that has worked for quite a long, long time rather
10 well. It doesn't seem to be screaming out for change. That was my point. No
11 issue with the alternates at all.

12
13 **CHAIR LOWELL** – Does Staff need something else from us?
14

15 **DEPUTY CITY ATTORNEY EARLY** – Another method that you can consider as
16 well to address this with the Council is as a body you can always appoint one of
17 your own to meet individually with the Mayor or any other Councilmember to
18 share those concerns and see if you can get it placed on... I would suggest
19 having it placed on a Study Session Agenda where you can address it with the
20 entire body, but doing it that way would negate the requirements for having to
21 have a special joint meeting and all of everything that goes with that.

22
23 **CHAIR LOWELL** – I think that's a good idea.
24

25 **COMMISSIONER VAN NATTA** – Yeah

26
27 **VICE CHAIR SIMS** - Is that something we could work (inaudible – microphone is
28 not on)

29
30 **DEPUTY CITY ATTORNEY EARLY** – And it doesn't have to be one of you. It
31 could actually be an Adhoc sub-committee of less than a quorum if you wanted it
32 to be a couple of you that took the recommendations of this body to the Council
33 either...
34

35 **CHAIR LOWELL** – I personally would like to go and address the City Council on
36 this issue. I don't know if anyone...
37

38 **COMMISSIONER VAN NATTA** – I think you could appoint a subcommittee and
39 maybe yourself and two other people. I mean we've covered all the points here.
40 If you forget what any of them are you could always watch the recording and
41 make notes.

42 **CHAIR LOWELL** – We're all pretty much on the same page.
43

44 **PLANNING OFFICIAL SANDZIMIER** – If may just one thing. If we don't set any
45 direction tonight in order for us to draft some revisions to the rules of procedure, I
46 don't know what we'll be doing with the alternates until we get to that point, so a

1 Study Session with the City Council would have to be scheduled, so we're
2 postponing these rules until a certain date. The project that we're talking about
3 that could be happening and could be multiple meetings is going to happen
4 shortly, so in the absence of that I will be talking with Paul and we may need to
5 get with our Interim City Attorney a little bit more and figure out how we'll use the
6 alternates in the meantime if the circumstance presents itself in the absence of
7 rules.

8
9 **CHAIR LOWELL** – Can we put a moratorium on this item?

10
11 **COMMISSIONER VAN NATTA** – I think the simple thing is we won't use the
12 alternates until we have this thing worked out. I don't see...

13
14 **COMMISSIONER BARNES** – We don't have that option

15
16 **DEPUTY CITY ATTORNEY EARLY** – We do. At this point I think the ordinance
17 mandates that seat be filled. I think you have some discretion on the method of
18 how it is.

19
20 **COMMISSIONER VAN NATTA** – If there is an absence, we already talked about
21 the fact that attending via telecommunications is not an absence.

22
23 **DEPUTY CITY ATTORNEY EARLY** – Yes, if everybody is present at the
24 meeting either in person or via telecommunication this won't be an issue.

25
26 **COMMISSIONER VAN NATTA** – Right, so we just have to look for days that we
27 can continue that meeting to so there aren't any absences...

28
29 **DEPUTY CITY ATTORNEY EARLY** – Or conflicts of interest

30
31 **COMMISSIONER VAN NATTA** – Or conflicts of interest. Well I don't think
32 anybody has any...

33
34 **CHAIR LOWELL** – On the item in particular I think there are conflicts of interest
35 there.

36
37 **COMMISSIONER VAN NATTA** – I don't think there any conflicts

38
39 **DEPUTY CITY ATTORNEY EARLY** – I'm speaking in general terms. I not
40 thinking of any particular project.

41
42 **COMMISSIONER VAN NATTA** - I'm think we're all thinking about this one big
43 meeting that is coming up with one big issue to be resolved.

44
45 **CHAIR LOWELL** - I think we've beaten this up fairly enough. Do you guys need
46 anything else from us?

1
2 **DEPUTY CITY ATTORNEY EARLY** – Just if you’re going to make a motion to
3 appoint your subcommittee if that is your direction that you are going to head in,
4 you’ll want to take that action formally.

5
6 **CHAIR LOWELL** – What size of subcommittee are we talking? Do we appoint
7 all seven of us?
8

9 **DEPUTY CITY ATTORNEY EARLY** – No, it would have to be less than a
10 quorum, so one, two or three.

11
12 **COMMISSIONER BARNES** - I would recommend the Chair and the Vice Chair
13 be on it. The third member...
14

15 **DEPUTY CITY ATTORNEY EARLY** – It doesn’t have to be three. It can be any
16 number three or less.
17

18 **COMMISSIONER BARNES** – I would be happy to participate. I’m less
19 experienced than Meli or Ray, but I’m happy to be involved. Would you like to do
20 it Meli?
21

22 **COMMISSIONER VAN NATTA** – I can
23

24 **CHAIR LOWELL** – I volunteer. Would anybody else like to volunteer?
25

26 **VICE CHAIR SIMS** – You’ve heard everything I have to say.
27

28 **COMMISSIONER VAN NATTA** – Okay
29

30 **CHAIR LOWELL** – Would anybody else like to volunteer? It is between Meli and
31 myself.
32

33 **COMMISSIONER BARNES** – I’ll volunteer, but you don’t want to do it Jeff?
34

35 **CHAIR LOWELL** – I’m just asking for volunteers
36

37 **VICE CHAIR SIMS** – You guys will represent us well I’m sure.
38

39 **COMMISSIONER BARNES** – Alright I’ll be happy to do it.
40

41 **PLANNING OFFICIAL SANDZIMIER** – You may want to make a motion to
42 appoint a subcommittee made up of what looks like Commissioner Van Natta,
43 Commissioner Barnes and Chair Lowell. If somebody offered that motion and it
44 was seconded, then you would take a vote on it and we will...
45

46 **CHAIR LOWELL** – Can the Chair make a motion?
47

1 **COMMISSIONER BARNES** – I will so move.
2
3 **COMMISSIONER BAKER** – I second it
4
5 **PLANNING OFFICIAL SANDZIMIER** – I think you should make the motion in its
6 entirety.
7
8 **CHAIR LOWELL** – I motion to appoint a subcommittee to approach the City
9 Council on the item of the new Planning Commissioner rules referring to the
10 alternates...
11
12 **PLANNING OFFICIAL SANDZIMIER** – Made up of...
13
14 **CHAIR LOWELL** – Made up of myself the Chair Brian Lowell, Meli Van Natta
15 and Commissioner Jeff Barnes.
16
17 **DEPUTY CITY ATTORNEY EARLY** – Stand by one moment, we’re going to see
18 if this something we can input into the system on a quick vote or do it the old
19 fashioned way.
20
21 **CHAIR LOWELL** – I have to initiate it
22
23 **PLANNING OFFICIAL SANDZIMIER** – You will need a second to that motion
24
25 **CHAIR LOWELL** – Oh, oh, oh, a new section just popped up. Wow Grace is
26 working overtime. I can hear those fingers typing like crazy.
27
28 **COMMISSIONER BARNES** – Technology, aint it grand. While we’re figuring this
29 out may I ask you a question? What is our ability to speak individually amongst
30 ourselves to collect thoughts on what this committee will be presenting or
31 discussing?
32
33 **DEPUTY CITY ATTORNEY EARLY** – The subcommittee is free to speak among
34 itself at a... because it is an Adhoc for the single purpose. You are not going to
35 have a regular meeting or anything so it is not a Brown Act issue there, but as far
36 as getting direction from the body as a whole as to what the subcommittee’s
37 issues are and where it is going to be, you can only do that here or at an
38 agendized meeting where this issue is on the agenda. So you can certainly do it
39 now. We can add this topic to the next agenda as well so that you can report
40 back or if you want to get further direction it’s there, but you would not be able to
41 talk to the other Commissioners about it.
42
43 **COMMISSIONER BARNES** – Would not be able to... so individually I could not
44 speak to another Commissioner one on one about this?
45

Minutes Acceptance: Minutes of May 14, 2015 7:00 PM (APPROVAL OF MINUTES)

1 **DEPUTY CITY ATTORNEY EARLY** – Correct. Amongst the subcommittee you
2 certainly could but bringing in one more member into the topic would then
3 constitute a quorum.

4
5 **VICE CHAIR SIMS** – You could individually talk to each other...

6
7 **DEPUTY CITY ATTORNEY EARLY** – Yes but you have to be very careful about
8 the meeting rules there and it would be extremely easy to violate miscontext.

9
10 **COMMISSIONER BARNES** – That’s my concern. Okay, that’s what’s driving the
11 question.

12
13 **DEPUTY CITY ATTORNEY EARLY** – Yeah cause if you’re looking for direction
14 or consensus...

15
16 **COMMISSIONER VAN NATTA** – I think if everybody has had an opportunity to
17 say what they wanted to say tonight, then the committee can take all of those
18 comments and come up with a...

19
20 **CHAIR LOWELL** – It looks like our system is up and running, so should I repeat
21 the motion? Yeah I would like to motion to appoint a subcommittee consisting of
22 myself the Chair Brian Lowell, Commissioner Meli Van Natta and Commissioner
23 Jeff Barnes to approach the City Council on the item of Planning Commission
24 rules in respect to Alternate Planning Commissioners and how they are
25 implemented.

26
27 **DEPUTY CITY ATTORNEY EARLY** – I would just ask you clarify that it is an
28 Adhoc Subcommittee because it does have some different rules.

29
30 **CHAIR LOWELL** – Adhoc Subcommittee. I’m the mover, who is the shaker?

31
32 **COMMISSIONER BAKER** – Second

33
34 **CHAIR LOWELL** – Okay moved by myself and seconded by Commissioner
35 Baker. It’s time to vote. All votes have been cast. Last call for votes ending in
36 three, two, one. It looks like the motion has been approved 7 – 0 and that wraps
37 up that item.

38
39 **PLANNING OFFICIAL SANDZIMIER** – Okay on that item just as far as a wrap
40 up goes, you can work with Grace if you’d like Grace to help you set up that
41 meeting with the City Council members and then I would just ask that when you
42 guys have had that meeting, if you have an opportunity to report out, let us know
43 and we can put that on an Agenda as Paul Early has indicated. You have to do
44 the report out at a formal meeting. You wouldn’t want to start talking to your
45 other members.

46

1 **CHAIR LOWELL**- Now are we going to be meeting with the Councilmen
2 individually or as a whole in front of the City Council?

3
4 **PLANNING OFFICIAL SANDZIMIER** – That would be between the subcommittee
5 members how you guys decide how you want to do it.

6
7 **CHAIR LOWELL** – Right and I think that wraps up that item, hence we are going
8 on to Staff Comments.

9
10
11
12 **STAFF COMMENTS**

13
14 **PLANNING OFFICIAL SANDZIMIER** – And I don't have anything.

15
16 **CHAIR LOWELL** – Great, well I have a couple of questions for you. I'm trying to
17 schedule the next few meetings. I know we have a few Commissioners up here
18 with vacations planned or are going to be out of town which is kind of why this
19 Alternate Planning Commissioners has been an item today. Do we have any
20 idea for when the whole Planning Commission body will be available? I know
21 we are meeting on the 11th of June to discuss the World Logistics Center and it is
22 probably going to be continued to another day. Do we have any idea when that
23 might be?

24
25 **PLANNING OFFICIAL SANDZIMIER** – At this point no. What I'd like to say first
26 off is tonight you should be adjourning your meeting to the next regular meeting
27 of the Commission, which be May 28th and if we have any items that would be
28 agenda'd for that meeting. We would have that meeting. If we do not have any
29 items that come up that would need to be on that Agenda, we will send out a
30 cancellation memo. We have noticed the World Logistics Center project for a
31 meeting on June 11th, however to pre-determine what the next meeting date
32 would be, would be inappropriate because this is a televised meeting and I don't
33 want to send any message out to the public that might think that there was
34 another second date already established. That would have to be done in the
35 course of your deliberations on the 11th and then you as a body would basically
36 would be selecting when and if there may not be a requirement for you to adjourn
37 that meeting if you finished up the business that day, so we do believe there will
38 be a well-attended meeting. Is this our suspicion, but I wouldn't want to pre-
39 determine it in advance and give you any dates, so that's what I would offer this
40 evening.

41
42 **CHAIR LOWELL** – Okay, thank you.

43
44 **VICE CHAIR SIMS** – So on this June 11th, is there going to be some time limits
45 that 1. For public comment, 2. is there going to be a time limit for the meeting,
46 you know I'm getting old so I don't want to be here till 4 in the morning and going

1 through what there could be significant testimony, so can there be a time limit to
2 the meeting where we are not going to go past midnight or something and I
3 noticed when I came to one of the City Council meeting here a few months or so
4 ago, they did have and I thought it was a 30 minute public comment period at the
5 beginning of the meeting. I'm not sure it is appropriate here. I think there could
6 be a 30 minute public comment and then you have a limit of three minute
7 comments or whatever... I don't know about unlimited but there would be a three
8 minute comment period there for public comment period on the actual specific
9 item. Is there a way to do that?

10
11 **PLANNING OFFICIAL SANDZIMIER** – With regard to your observation at the
12 City Council meetings recently. What the City Council has been doing is limiting
13 the initial public comments on non-agenda matters to an initial 30 minutes,
14 however they are not cutting it off entirely at that point, they are resuming if there
15 is extra public comments they resume it at a later time in the meeting. I believe
16 they set it at 9 o'clock. That is on a different item and I think you are talking about
17 a specific project. Each of you have the rules of procedure for the Planning
18 Commission. I assume if you still have those at home or maybe you have them
19 this evening, you can refer to page 7 of the rules of procedure and it does
20 discuss very clearly what the order of testimony is on a public hearing item. It
21 also goes into rules of the testimony and it does provide for if there are numerous
22 people in the audience who wish to participate on the issue and it is known that
23 all represent the same opinion, a spokesman should be selected to speak for the
24 entire group if possible. The spokesman will thus have the opportunity of
25 speaking for a reasonable length of time and/or presenting a complete case.
26 Now that reasonable amount of time is something the Chairman and the
27 Commissioners can establish before the item comes up. That is on any item that
28 ever comes before you. You guys can do that, just based on what you are
29 observing in the room. It goes on to persons presenting testimony, the
30 Commission requests they give their name and their address. To avoid
31 unnecessary cumulative evidence, the Chairman may limit the number of
32 witnesses or the time of testimony on a particular issue, so it does provide in
33 here you have some discretion. Again I would be looking to our legal counsel
34 who may want to shed some additional light, but I believe it would be something
35 that would have to be discussed among the Commission is heard so that you
36 understand the rules and you let the community now what the rules would be.
37 You can also control the flow of the meeting under rule of testimony, rule 4
38 irrelevant and off subject comments will be ruled out of order, so you can
39 immediately cut those off but just ruling them out of order if that is what they are.
40 The other thing, it seems that it controls the flow is that all comments shall be
41 addressed to the Commission. All questions shall be placed to the Chair, so it is
42 saying the Chair will have some authority in conducting how the testimony is, but
43 those are things that are set forth here but it doesn't go into anything specific in
44 terms of how many minutes and leaves you some discretion is how I understand
45 it.
46

1 **VICE CHAIR SIMS** – Yeah could you re-email out the rules out tomorrow to
2 everybody to the Commissioners just so we have them and the alternates so we
3 all have that to make sure we all...

4
5 **PLANNING OFFICIAL SANDZIMIER** – Alright

6
7 **CHAIR LOWELL** – With that are there any other Staff Comments?

8
9 **DEPUTY CITY ATTORNEY EARLY** – Since there is talk of teleconferencing for
10 future meetings I just want to encourage any of the Commissioners that are
11 possibly going to be looking at using that tool to make sure you let Staff know at
12 the earliest convenience. There are very specific rules under the Brown Act on
13 noticing that, the location where you are at has to be publicly accessible location,
14 so if you are in a hotel on the other side of the world that is perfectly acceptable,
15 but you do have to post a copy of the agenda and have the place open to the
16 public and ADA accessible, so usually you get a little conference room or a little
17 office room from the hotel to do it in. So there ways to do it but because of those
18 little hurdles and timeframes, I just want to encourage you to let Staff know as
19 early as possible so we can make sure that we get all those ducks in a row so
20 there is no problems.

21
22 **CHAIR LOWELL** – The week of June 15th through 19th, which is the week
23 following the June 11th meeting, I will be out of the State, so if we have to
24 continue the meeting to a later date and if it happens to be during that week I will
25 not be in the City of Moreno Valley so I will need to be accommodated that way.

26
27 **DEPUTY CITY ATTORNEY EARLY** – And if you are continuing an open meeting
28 that will be something that the Commission will decide on the date on that they
29 will continue it to.

30
31 **CHAIR LOWELL** – But as far as noticing, is what I just did enough notice? Do I
32 need to let an email or something?

33
34 **PLANNING OFFICIAL SANDZIMIER** – We don't know if you actually going to
35 continue the meeting.

36
37 **CHAIR LOWELL** – I'm just putting it out there to make sure that there is enough
38 time.

39
40 **DEPUTY CITY ATTORNEY EARLY** – That situation will happen at the meeting
41 itself. If you're at a meeting in a situation where we need to continue this to a
42 new date, there is no new noticing that would have to happen for that date
43 because the hearing isn't being closed. It is being continued at that, so it is
44 entirely dependent on what you as a body decide to continue it to at that time.

1 **CHAIR LOWELL** – Can I ask my fellow Commissioners to notify Staff of their
2 schedules for the month of June just to be on the safe side for available dates
3 after June 11th should the meeting go long and have to be continued to another
4 date? I want to make sure everyone is present on the June 11th meeting would
5 be available for future dates so we're not hashing this out at the meeting.

6
7 **DEPUTY CITY ATTORNEY EARLY** - It would certainly make this easier.

8
9 **PLANNING OFFICIAL SANDZIMIER** – That would be fine

10
11 **CHAIR LOWELL** – A lot easier. Any other comments by Staff or from Staff?

12
13 **PLANNING OFFICIAL SANDZIMIER** – No

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18 **PLANNING COMMISSIONER COMMENTS**

19
20
21 **CHAIR LOWELL** – Do we have any Planning Commissioner Comments?

22
23 **COMMISSIONER BARNES** – Well on that same subject would it be appropriate
24 for us the meeting preceding that meeting to define some rules. Would that be of
25 benefit to both the public and the applicant so that going in they know what the
26 defined times and rules would be so that during the course of the meeting without
27 those rules if a decision were made, it might create a lot of ill-will, whereas if we
28 know going in that we're going to allocate x time for public comment and at the
29 end of the meeting will be x and if we don't finish we'll continue. Everyone will be
30 aware up front. Would that be of benefit to the whole process?

31
32 **PLANNING OFFICIAL SANDZIMIER** – I think if you're talking about doing that in
33 advance like this evening or something, I think it might be a little bit premature
34 because I think you should wait until the day of the meeting to see what the
35 circumstances are. If the room is full and you have a sense that everybody in the
36 room is going to speak on one item, then you'll have some clear understanding of
37 why you are changing the rules, but to predetermine it today just because we
38 know it is a large project or we know there is something coming up that has had
39 some interest...

40
41 **CHAIR LOWELL** – But we've already determined in the rules there is flexibility

42
43 **DEPUTY CITY ATTORNEY EARLY** – Yeah and I'm certainly available if the
44 Chair would like to meet with me or through email or however to put together
45 maybe some alternatives or options depending on what you see that day so
46 you're ready to go with some different choices.

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CHAIR LOWELL – I do know as a body the Planning Commission has the ability to vote on how we handle public comments within reason.

DEPUTY CITY ATTORNEY EARLY – Correct, State Law requires you give reasonable time restrictions.

CHAIR LOWELL – I appreciate it. Any other comments by the Planning Commissioners?

VICE CHAIR SIMS – I just think we should prepare ourselves though for however long the process takes... this is one of... it is a big project.

CHAIR LOWELL – I'm bringing a thermos with a lot of coffee in it.

VICE CHAIR SIMS – I do think if you know that we should set it up that there is a time limit that we shut down and continue you know, so we don't get past a certain amount of time. I don't think it is fair to the people who can't make to the meeting and they can't stay up till God knows what time if the meeting just goes on and on and on. People have to eventually go home and go to bed and go to work.

COMMISSIONER BARNES – At some point it will affect the quality of deliberation too.

VICE CHAIR SIMS – Yeah, so I think we should you know...anyhow, enough said.

CHAIR LOWELL – Any other comments? Meli?

COMMISSIONER VAN NATTA – No

ADJOURNMENT

CHAIR LOWELL – Okay at this time I would like to conclude our meeting. The meeting is now adjourned to our next regular meeting which is May 28th, 2015 at 7 pm. Thank you and have a good night.

1 **NEXT MEETING**

2 *Planning Commission Regular Meeting, May 28th, 2015 at 7:00 pm, City of*
3 *Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno*
4 *Valley, CA, 92533.*
5
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7
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9

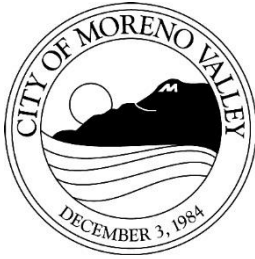
10
11
12 _____
13 Richard Sandzimier
14 Planning Official
15 Approved
16
17
18
19
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21

_____ Date

22 _____
23 Brian Lowell
24 Chair
25

_____ Date

Minutes Acceptance: Minutes of May 14, 2015 7:00 PM (APPROVAL OF MINUTES)



PLANNING COMMISSION

STAFF REPORT

Meeting Date: October 8, 2015

APPLICANT REQUEST FOR CONTINUANCE TO THE OCTOBER 22, 2015 PLANNING COMMISSION MEETING FOR PROPOSED FINANCE MAP 36468. TENTATIVE PARCEL MAP NO. 36468 PROPOSES TO CREATE A THREE PARCEL SUBDIVISION FOR FINANCE PURPOSES FOR PROPERTY LOCATED WITHIN THE APPROVED 217 UNIT CONTINENTAL VILLAGES PROJECT. THE THREE PARCELS CORRESPOND TO THE THREE DISTINCT RESIDENTIAL PRODUCT TYPES LOCATED WITHIN THE PROJECT. THE FINANCE MAP DOES NOT INCLUDE ANY PROPOSED DEVELOPMENT.

Case: PA15-0028 – Tentative Parcel Map 36468

Applicant: Continental East Fund III, LLC

Owner: Continental East Fund III, LLC

Representative: Continental East Fund III, LLC

Location: Moreno Valley Ranch Specific Plan (SP #193),
Northwest corner of Lasselle Street and Krameria
Avenue

Case Planner: Jeff Bradshaw

Council District: 4

SUMMARY

This item was originally scheduled for a public hearing before the Planning Commission on October 8, 2015. The applicant has requested a continuance of the public hearing on this item to the next regular meeting of the Planning Commission on October 22, 2015.

PROJECT DESCRIPTION

Tentative Parcel Map No. 36468 proposes to create a three parcel subdivision for finance purposes for property located within the approved 217 unit Continental Villages Project. The three parcels correspond to the three distinct residential product types located within the project.

The Continental Villages project, which was approved by the Planning Commission on November 29, 2012, includes three residential product types: detached single-family residences on small lots, clustered units located around court yards and multiple family apartments.

Tentative Parcel Map No. 36468 does not include any proposed development. Future development within the three parcels of the proposed Finance Map will require compliance with the conditions of approval for the Continental Villages project or will require review and approval under separate applications for all new proposals.

DISCUSSION

This item has been scheduled for a public hearing before the Planning Commission on October 8, 2015. Subsequent to setting this hearing date, the applicant submitted an email to Planning staff on September 24, 2015, requesting a continuance of the item from the October 8, 2015 meeting to the next available Planning Commission date. October 22, 2015 is the next regular meeting date for the Commission. See Attachment 2 for a copy of the continuance request.

Staff is supportive of the request for the continuance and therefore recommends that the Planning Commission support the request.

A complete staff report detailing the intent and design of the proposed Finance Map will be provided with the agenda packet for the October 22, 2015 meeting.

NOTIFICATION

The public hearing notice for the October 8, 2015 public hearing for this project was published in the local newspaper on September 26, 2015. Public notice was sent to all property owners of record within 300 feet of the project site on September 25, 2015. The public hearing notice for this project was also posted on the project site on September 25, 2015.

As of the date of report preparation, staff had received one phone call in response to the noticing for this project. The resident called with questions about the proposed Finance Map, but did not state any concerns with the project.

If the continuance request is approved by the Planning Commission, no additional noticing will be required for the October 22, 2015 public hearing since this item will have been continued to a date specific.

If any members of the public or other interested parties should wish to speak on the item on October 8th rather than return on October 22nd, the Planning Commission may open the public hearing to accept the testimony and then continue the public hearing open to the meeting of October 22nd.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

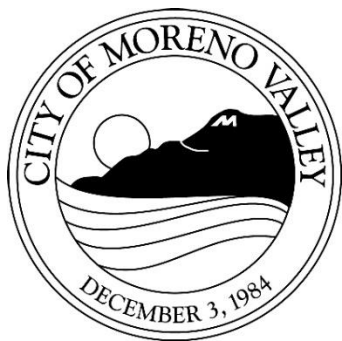
1. **APPROVE** the applicant's request for a continuance of the public hearing for this item to the next regular Planning Commission meeting date of October 22, 2015.

Prepared by:
Jeffrey Bradshaw
Associate Planner

Approved by:
Allen Brock
Community Development Director

ATTACHMENTS

1. Public Hearing Notice
2. Continuance Request



Notice of PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

CASE: PA15-0028 – Finance Parcel Map No. 36468

APPLICANT: Continental East Fund III, LLC

OWNER: Continental East Fund III, LLC

REPRESENTATIVE: Continental East Fund III, LLC

LOCATION: Northwest corner of Lasselle Street and Krameria Avenue

PROPOSAL: Tentative Parcel Map No. 36468 proposes to create a three parcel subdivision for finance purposes for property located within the approved 217 unit Continental Villages Project. The three parcels correspond to the three distinct residential product types located within the project. The Finance Map does not include any proposed development.

The Continental Villages project, which was approved by the Planning Commission on November 29, 2012, includes three residential product types: detached single-family residences on small lots, clustered units located around court yards and multiple family apartments.

Future development within the three parcels of the proposed Finance Map will require compliance with the conditions of approval for the Continental Villages project.

ENVIRONMENTAL DETERMINATION: The project will not have a significant effect on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15315, Minor Land Divisions, as a Class 15 Categorical Exemption.

COUNCIL DISTRICT: 4

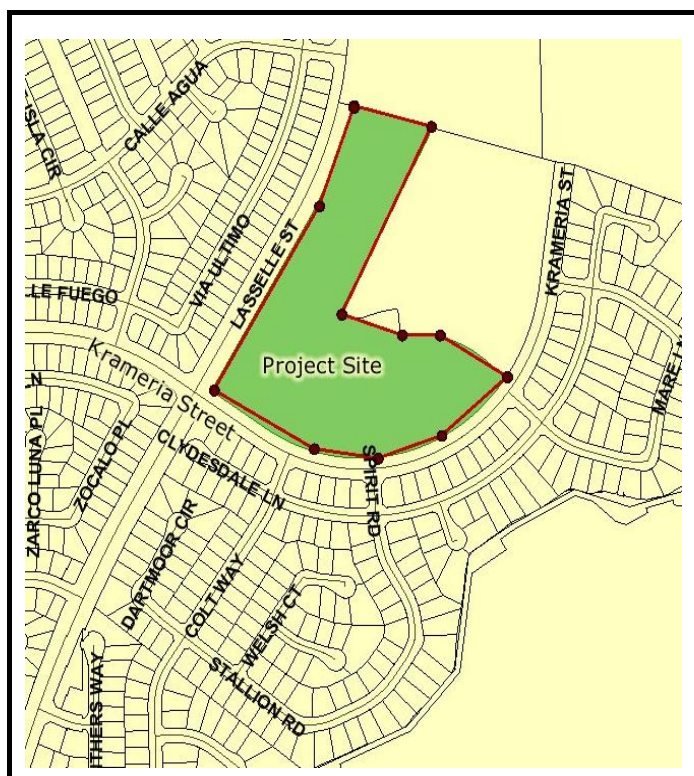
STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and Fridays from 7:30 a.m. to 4:30 p.m.), or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The Planning Commission, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.



LOCATION N ↑

PLANNING COMMISSION HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: October 8, 2015 at 7 PM

CONTACT PLANNER: Jeff Bradshaw

PHONE: (951) 413-3224

Grace Espino-Salcedo

Subject: RE: Continental Villages, Mailing Labels

From: Charlene Kussner [<mailto:charlene@cmconsulting.us>]

Sent: Thursday, September 24, 2015 3:29 PM

To: Jeff Bradshaw

Cc: al.rattan@continentaldev.com; Alex Ramirez

Subject: RE: Continental Villages, Mailing Labels

Good Afternoon Jeff~ Continental East Fund III, LLC is respectfully requesting a continuance of this item to the next available Planning Commission date. Can you please confirm and advise? Thank you very much~

Thank you~

Charlene Kussner

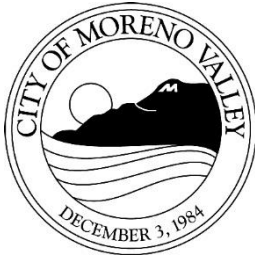
CM Consulting

951-757-2571

"All I have seen teaches me to trust the Creator for all I have not seen"

Ralph Waldo Emerson

Attachment: Continuance Request (1706 : Applicant request for continuance to the October 22, 2015 Planning Commission meeting for



PLANNING COMMISSION

STAFF REPORT

Meeting Date: October 8, 2015

CONDITIONAL USE PERMIT (PA15-0009) FOR A NEW WIRELESS COMMUNICATIONS FACILITY.

Case: PA15-0009 (CUP)

Applicant: Verizon Wireless

Owner: Shinder Kaur and Parmjit Singh

Representative: SAC Wireless (Dail Richard)

Location: 14058 Redlands Boulevard (Farm Market)

Case Planner: Claudia Manrique

Council District: 3

SUMMARY

The proposal is for a new Verizon wireless telecommunications facility with a 60 foot monopine located at 14058 Redlands Boulevard (APN(s): 478-430-031& -029) which is the site of Farm Market. The facility includes a new equipment enclosure designed to match the neighboring Farm Market structure.

PROJECT DESCRIPTION

Verizon Wireless is proposing a Wireless Communication Facility (WCF) consisting of a 60 foot monopine. The WCF is proposed to be located at 14058 Redlands Boulevard (APN(s): 478-430-031& -029), behind the Farm Market (Attachment 1). Under the current WCF regulations pursuant to Municipal Code Section 9.09.040.E.3 WCFs are permitted with a Conditional Use Permit (CUP) within a Commercial zone. Due to the site being less than three hundred (300) feet from a residential zone, the project approval authority has been elevated to the Planning Commission as provided for Municipal Code Section 9.02.060.B. The nearest home to the project, located directly

across Kimberly Street, is approximately 98 feet away. In addition to this home, there are several other existing homes that are in immediate proximity of the proposed tower and equipment enclosure.

The proposed new Verizon WCF is proposed as a 60 foot tall monopine designed to mask its appearance as a tower and attempts to match existing pine trees around the site (Attachment 2). The WCF will consist of three sectors, each with four antennas, for a total of twelve (12) antennas. One (1) microwave dish or “parabolic antenna” and twelve (12) Remote Radio Units (RRUs) are proposed on the monopine. Antenna arrays and panels will be painted to match the faux pine fronds; helping to blend the equipment with the faux pine. The 190 square foot equipment shelter will be housed, along with the monopine, within a 900 square foot lease area and screened by an 8 foot tall decorative block wall, painted to match the existing Farm Market building.

The design of the monopine tree blends in with the existing tree species near the site and plant species approved for the Farm Market. Three (3) additional 24” boxed pine trees will be planted as well. The applicant has prepared photographic simulations of the proposed installation from multiple perspectives, which are included as Attachment 3.

The proposed 60 foot tall monopine will fill a gap in cell coverage capacity for Verizon Wireless. The three nearest existing WCFs are located approximately 1.5 miles northeast at Theodore Street and Eucalyptus Avenue, 1.7 miles northwest at Spruce Avenue on the north side of Highway 60 and 2.2 miles southwest at Iris Avenue near the Kaiser Hospital. The three existing WCFs have co-located equipment for various carriers on them. The proposed monopine could also serve as a co-location site, but no colocation is currently proposed, and would be subject to a separate application and approval process.

Site/Surrounding Area

The project site is located at 14058 Redlands Boulevard. The site includes the Farm Market (PA06-0173), which is currently under construction. The market was designed consistent with the Village Commercial (VC) standards. The standards recognize the historic significance of the area and encourage a “turn of the century”/Old Moreno architectural atmosphere. The Village Commercial zone provides limited retail commercial services, which are compatible with the surrounding residential community. The Farm Market building is the largest structure within this commercial zone and provides the best opportunity to blend the necessary height of the proposed WCF with developed property in the area. In addition, the WCF design is considerate of building materials, colors and landscape pallet in the area.

The parcel is within the Village Commercial (VC) zoning district (Attachment 4), which extends through properties at all four corners of the intersection of Alessandro Boulevard and Redlands Boulevard. In addition to the Farm Market discussed above, the Easter Market is located directly north of the project site, and a small US Post Office station is located to the west. The areas just beyond the VC zoning and surrounding

the project site to the north, south, east and west are Residential 3 (R3) zoned parcels. The majority of the parcels are developed with single-story older custom homes. The architectural style, infrastructure and existing landscape establishes somewhat of a rural feel to the area. The WCF's equipment will be screened from the residences with a wall designed to be consistent with Farm Market's architecture, and is considerate of proximity to the neighboring homes.

The proposed wireless tower has been evaluated against General Plan policy 7.7.6 and Section 9.09.040 (Communication facilities, antennas and satellite dishes) of the City Municipal Code and staff has confirmed that the proposed project does not conflict with any of the goals, objectives, policies, and programs of the General Plan.

Access

Vehicular access to the site will be from Alessandro Boulevard through the Farm Market's parking lot. The applicant will use one unassigned parking space next to the Farm Market's trash enclosure and walk to the lease area and monopine for maintenance purposes.

Review Process

This project was submitted in March 2015. City staff from various departments including the Fire Prevention Bureau reviewed the proposal and worked with the applicant to resolve the issues and interests raised, as well as taking into account community sensitivities and aesthetics.

ENVIRONMENTAL

Planning staff, as is typical with all planning projects, has reviewed the request in accordance with the latest edition of the California Environmental Quality Act (CEQA) Guidelines and has determined the project will not result in any significant effect on the environment and qualifies for an exemption under the provisions of the CEQA as a Class 3 Categorical Exemption, CEQA Guidelines, Section 15303 for New Construction or Conversion of Small Structures.

NOTIFICATION

In accordance with Section 9.02.200 of the Municipal Code, public notification was sent to all property owners of record within 300' of the proposed project site on September 25, 2015 (Attachment 5). In addition, the public hearing notice for this project was posted on the project site on September 25, 2015, and published in the Press Enterprise newspaper September 25, 2015.

STAFF RECOMMENDATION

Recommend the Planning Commission **APPROVE** Resolution No. 2015-25.

1. **CERTIFY** that the proposed Verizon wireless telecommunications facility is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 3 Categorical Exemption, CEQA Guidelines, Section 15303 for New Construction or Conversion of Small Structures; and
2. **APPROVE** Conditional Use Permit PA15-0009 based on the findings contained in Planning Commission Resolution 2015-25, subject to the conditions of approval included as Exhibit A of the Resolution.

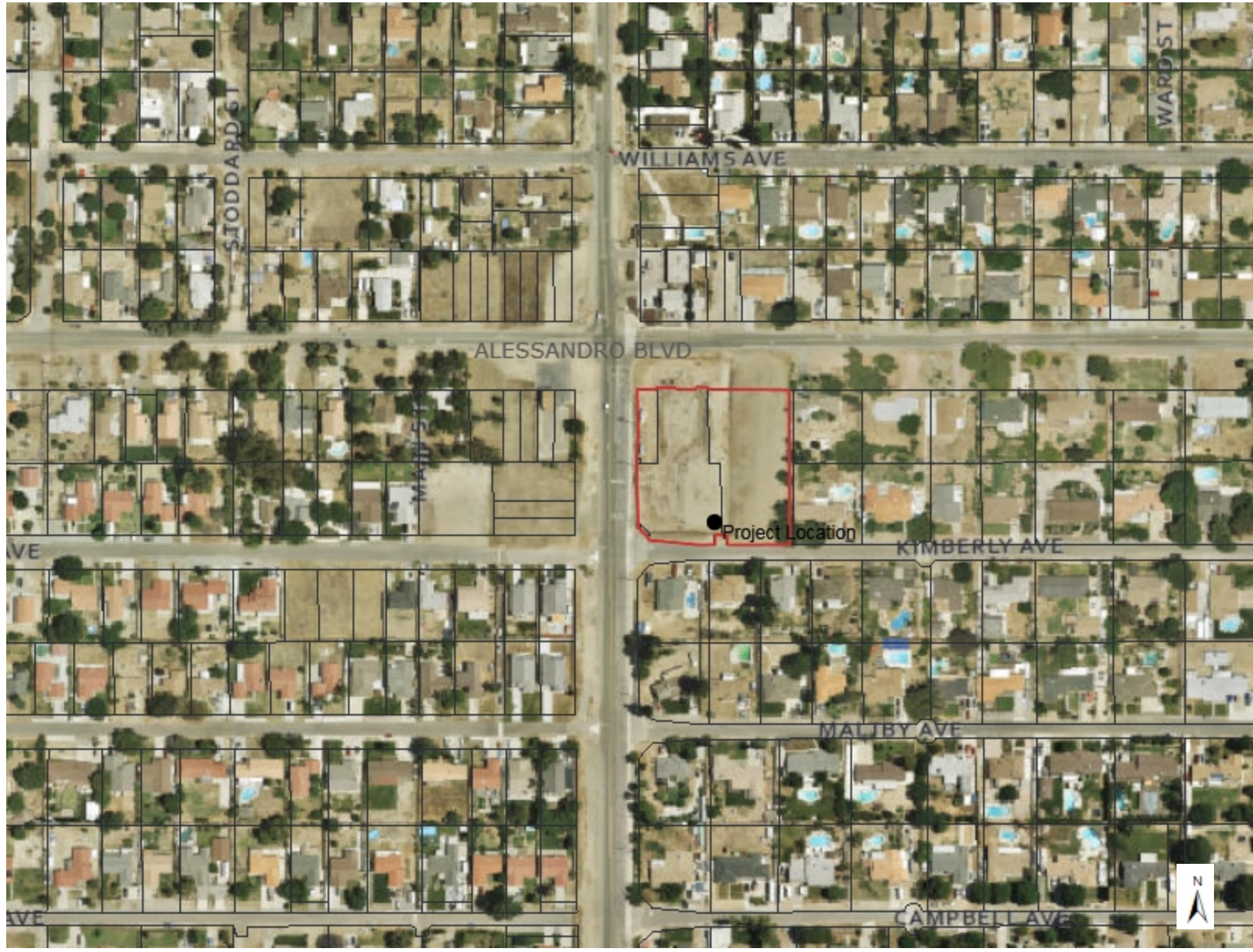
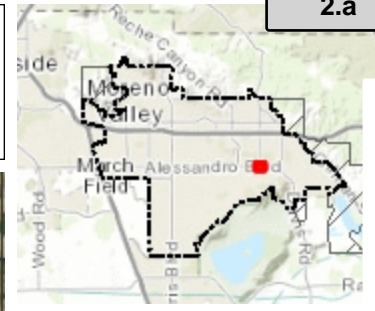
Prepared by:
Claudia Manrique
Associate Planner

Approved by:
Allen Brock
Community Development Director

ATTACHMENTS

1. Aerial
2. Site Plans & Elevations
3. Photo Simulations
4. Zoning
5. Public Hearing Notice
6. Resolution 2015-25
7. Final Conditions of Approval (COAs)

PA15-0009 Aerial Photograph

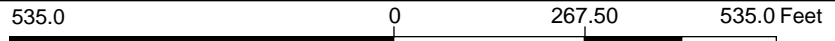


Legend

Parcels

Notes

Proposed 60 foot Monopine behind the Farm Market at the SEC of Alessandro Blvd and Redlands Blvd.



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 (1677 : Conditional Use Permit (PA15-0009) for a new wireless communications

CODE COMPLIANCE	
2013 CALIFORNIA BUILDING CODE	2013 CALIFORNIA MECHANICAL CODE
2013 CALIFORNIA TITLE 24	2013 CALIFORNIA ELECTRIC CODE
2013 CALIFORNIA FIRE CODE	2013 CALIFORNIA EXISTING BUILDING CODE
2013 CALIFORNIA RESIDENTIAL CODE	2013 CALIFORNIA GREEN BUILDING STANDARD CODE
2013 CALIFORNIA ENERGY CODE	ANSI/ISA-223-G OR LATEST EDITION
2013 CALIFORNIA PLUMBING CODE	LOCAL CODES AND AMENDMENTS

GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE. NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SERVICE IS PROPOSED.



SITE INFORMATION	
PROPERTY OWNER: ADDRESS:	SHIVDER KHAUR, PARNJIT SINGH 14058 REDLANDS BLVD. MORENO VALLEY, CA 92555 CONTACT: SHIVDER KHAUR, PARNJIT SINGH PHONE: (951) 500-5310
APPLICANT: ADDRESS:	VERIZON WIRELESS 15305 SAND CANYON AVE. IRVINE, CA 92618
APPLICANT REPRESENTATIVE: ADDRESS:	SAC WIRELESS 3865 ENCHAS, SUITE 142B CARLSBAD, CA 92008 CONTACT: DANA MACKENZIE PHONE: (949) 200-6541 EMAIL: danamackenzie@sacw.com
GROUND ELEVATION: APN #:	±1588.97' A.S.M.L. 478-430-031
ZONING JURISDICTION: CURRENT ZONING:	CITY OF MORENO VALLEY VC (VILLAGE COMMERCIAL)
CONSTRUCTION TYPE: OCCUPANCY:	V-B U-UNMANNED TELECOMMUNICATIONS FACILITY
POWER COMPANY:	SCS (800) 743-5000
TELCO COMPANY:	AT&T (856) 837-9527

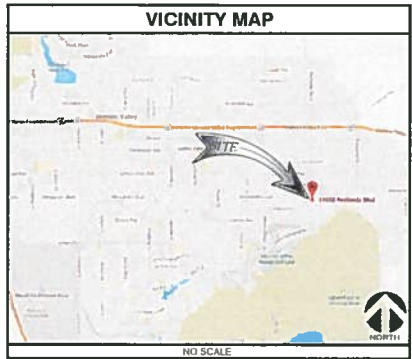


MALTBY

**PROJECT TYPE:
NEW SITE BUILD**

**PROJECT ADDRESS:
14058 REDLANDS BLVD.
MORENO VALLEY, CA 92555**

PROJECT TEAM	
PROJECT MANAGER: VERIZON WIRELESS 15305 SAND CANYON AVE. IRVINE, CA 92618 CONTACT: DANA MACKENZIE PHONE: (949) 200-6541 E-MAIL: danamackenzie@verizonwireless.com	ENGINEERING: NATIONAL ENGINEERING & CONSULTING, INC. 27 ORCHARD LAKE FOREST, CA 92630 PHONE: (949) 718-9990 FAX: (949) 716-9997
ZONING: SAC WIRELESS 3865 ENCHAS, SUITE 142B CARLSBAD, CA 92008 CONTACT: DANA MACKENZIE PHONE: (949) 200-6541 E-MAIL: danamackenzie@sacw.com	SITE ACQUISITION: SAC WIRELESS 3865 ENCHAS, SUITE 142B CARLSBAD, CA 92008 CONTACT: BRANNA NOLTER PHONE: (760) 900-6634 E-MAIL: brannan.nolter@sacw.com
DE ENGINEER: VERIZON WIRELESS 15305 SAND CANYON AVE. IRVINE, CA 92618 CONTACT: PHONE:	CONSTRUCTION: VERIZON WIRELESS 15305 SAND CANYON AVE. IRVINE, CA 92618 CONTACT: PHONE: E-MAIL:



- DRIVING DIRECTIONS**
- DIRECTIONS FROM VERIZON WIRELESS OFFICE.
1. HEAD SOUTHEAST TOWARD SAND CANYON TRAIL.
 2. TURN RIGHT ONTO SAND CANYON AVE.
 3. TAKE THE 1ST LEFT ONTO BARRANCA PKWY
 4. TURN RIGHT ONTO PACIFICA
 5. TURN RIGHT ONTO THE STATE HIGHWAY 133 N RAMP
 6. MERGE ONTO CA-133 N
 7. MERGE ONTO CA-241 N
 8. KEEP RIGHT AT THE FORK, FOLLOW SIGNS FOR CA-91 E/BIVERDISE AND MERGE ONTO CA-91 E
 9. TAKE THE CA-60 E/1-215 S EXIT TOWARD SAN BECO/INDIO
 10. MERGE ONTO CA-60 E
 11. CONTINUE ONTO CA-60 E/A-215 S
 12. KEEP LEFT TO CONTINUE ON CA-60 E
 13. TAKE THE REDLANDS BLVD EXIT TOWARD MORENO
 14. TURN RIGHT ONTO REDLANDS BLVD
- DESTINATION WILL BE ON THE LEFT
14058 REDLANDS BLVD. MORENO VALLEY, CA 92555

ZONING DRAWING

IF USING 11"X17" PLOT, DRAWINGS WILL BE HALF SCALE.

APPROVALS

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS & AUTHORIZE THE SUBCONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT & MAY IMPOSE CHANGES OR MODIFICATIONS.

VERIZON RF ENGINEER: _____
VERIZON OPERATIONS: _____
SITE ACQUISITION MANAGER: _____
PROJECT MANAGER: _____
ZONING VENDOR: _____
LEASING VENDOR: _____
CONSTRUCTION MANAGER: _____
A/E MANAGER: _____
PROPERTY OWNER: _____

- PROJECT DESCRIPTION**
- VERIZON WIRELESS PROPOSES THE CONSTRUCTION OF A NEW TELECOMMUNICATIONS FACILITY. THE SCOPE WILL CONSIST OF THE FOLLOWING:
- INSTALL PROPOSED VERIZON WIRELESS 30'X40'X8' HIGH C.M.U. EQUIPMENT ENCLOSURE TO MATCH EXISTING BUILDING WITH CONCRETE SLAB AND RAISED EQUIPMENT CURBS
 - INSTALL (1) PROPOSED VERIZON WIRELESS 11'-6" x 18'-11" PRE-FABRICATED SHELTER
 - INSTALL (2) PROPOSED VERIZON WIRELESS PANEL ANTENNAS
 - INSTALL (2) PROPOSED VERIZON WIRELESS REMOTE RADIO UNITS.
 - INSTALL (2) PROPOSED VERIZON WIRELESS A2 REMOTE RADIO UNIT MODULE, (1) PER RRUS.
 - INSTALL (1) PROPOSED VERIZON WIRELESS MICROWAVE DASH.
 - INSTALL (8) PROPOSED VERIZON WIRELESS RB8201 LTE INDOOR CABINETS.
 - INSTALL (1) PROPOSED VERIZON WIRELESS 23" TELCO CABINET.
 - INSTALL (1) PROPOSED VERIZON WIRELESS 23" POWER PLANT.
 - INSTALL (1) PROPOSED VERIZON WIRELESS AC GENERATOR.
 - INSTALL (1) PROPOSED VERIZON WIRELESS MANUAL TRANSFER SWITCH
 - INSTALL (1) PROPOSED VERIZON WIRELESS GENERATOR PLUG.
 - INSTALL (1) PROPOSED VERIZON WIRELESS ELECTRICAL PANEL.
 - INSTALL (1) PROPOSED VERIZON WIRELESS SERVICE DISCONNECT SWITCH.
 - INSTALL (2) PROPOSED VERIZON WIRELESS GPS ANTENNAS.
 - INSTALL (2A) PROPOSED VERIZON WIRELESS 7/8" COAX CABLES, (2) PER ANTENNA.
 - INSTALL (2) PROPOSED VERIZON WIRELESS RAYCAP SURGE SUPPRESSORS AT TOP OF MONOPOLE STRUCTURE.
 - INSTALL (2) PROPOSED VERIZON WIRELESS RAYCAP SURGE SUPPRESSORS AT BASE OF MONOPOLE STRUCTURE.
 - INSTALL PROPOSED VERIZON WIRELESS ICE BODGE.
 - INSTALL PROPOSED VERIZON WIRELESS CONCRETE STEPS.
 - INSTALL (3) PROPOSED VERIZON WIRELESS PINE TREES

DRAWING INDEX

SHEET NO:	SHEET TITLE
T-1	TITLE SHEET
A-1	SITE PLAN
A-2	ENLARGED SITE PLAN, EQUIPMENT AND ANTENNA LAYOUT PLANS
A-3	ARCHITECTURAL ELEVATIONS
A-4	ARCHITECTURAL ELEVATIONS

DO NOT SCALE DRAWINGS

SUBCONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.



PLANS PREPARED BY:

NATIONAL
ENGINEERING & CONSULTING, INC.
27 ORCHARD LAKE FOREST, CA 92630
PHONE: (949) 718-9990

CLIENTS

NO.	DATE	DESCRIPTION	BY:
1	08/11/14	90% ZONING	SL
2	03/24/15	100% ZONING	AE
3	07/28/15	REVISED 100% ZONING	SB
4	08/25/15	REVISED 100% ZONING	SB
5	09/22/15	REVISED 100% ZONING	JB

BITE INFORMATION:

MALTBY

14058 REDLANDS BLVD.
MORENO VALLEY, CA 92555

BEAL:

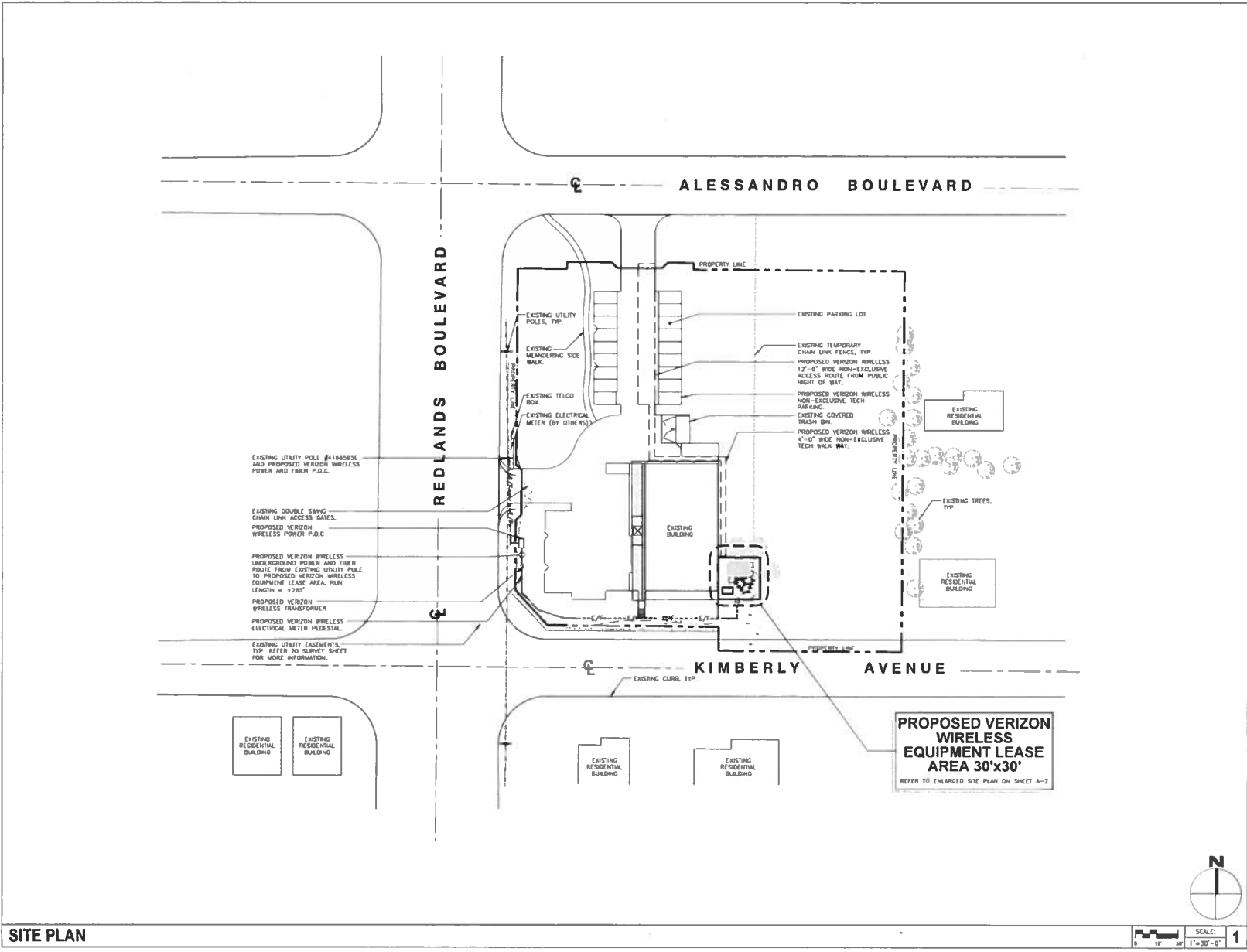
SHEET TITLE:

TITLE SHEET

SHEET NUMBER:


T-1

Attachment: Site Plans & Elevations (1677 : Conditional Use Permit (PA15-0009) for a new wireless




SITE PLAN





13865 SAND CANYON AVE
IRVINE, CA 92618

PLANS PREPARED BY:



NATIONAL
ENGINEERING & CONSULTING, INC.
21111 UNIVERSITY BLVD., SUITE 100, IRVINE, CA 92614
(949) 450-1000

CLIENTS

NO.	DATE	DESCRIPTION	BY
1	08/11/14	90% ZONING	SL
2	03/24/15	100% ZONING	AE
3	07/28/15	REVISED 100% ZONING	SB
4	08/25/15	REVISED 100% ZONING	SB
5	09/22/15	REVISED 100% ZONING	JB

SITE INFORMATION

MALTBY

14658 REDLANDS BLVD.
MORENO VALLEY, CA 92555

SEAL

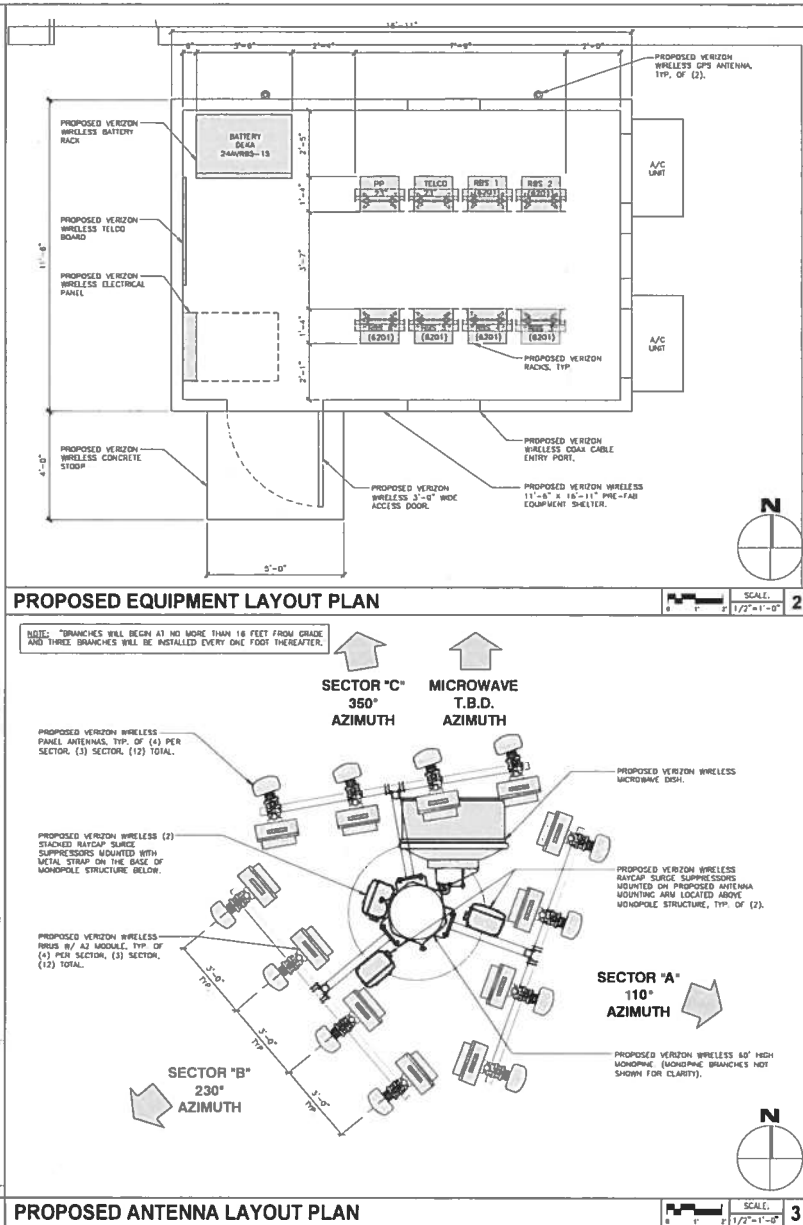
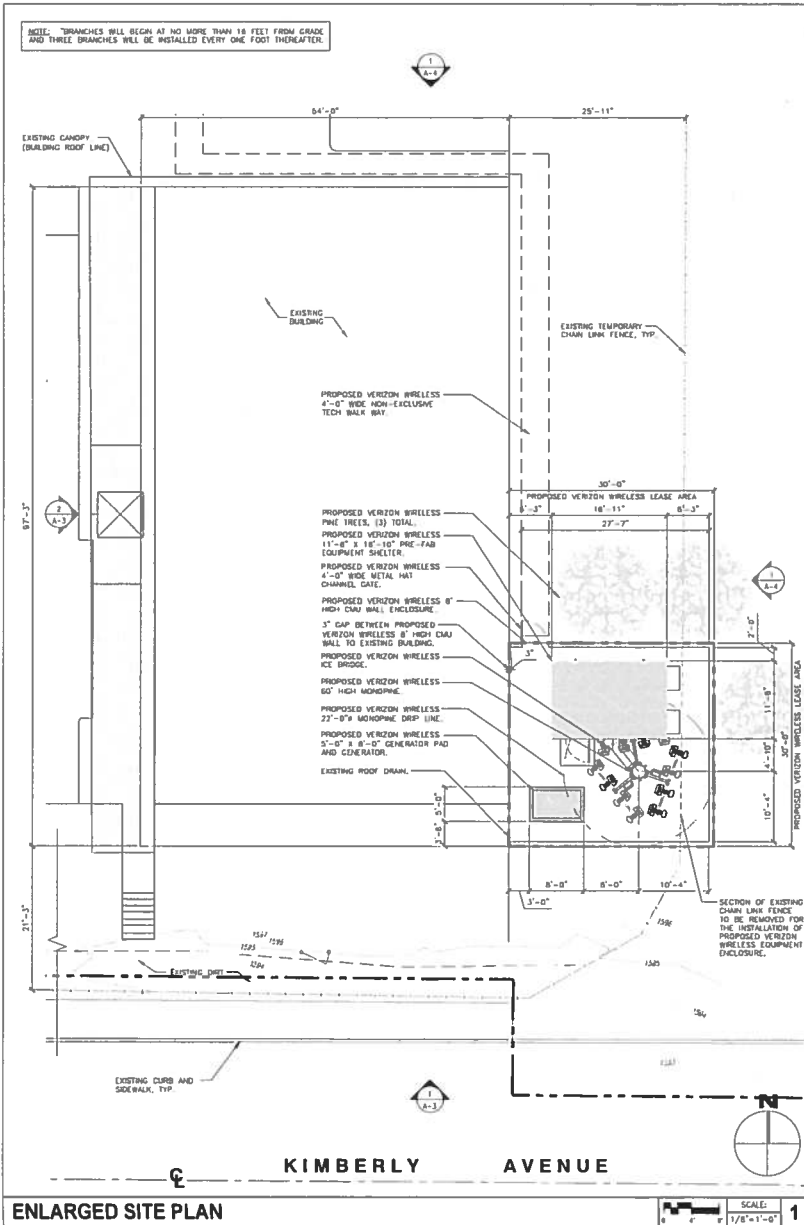
SHEET TITLE:

SITE PLAN

SHEET NUMBER:

A-1

Attachment: Site Plans & Elevations (1677 : Conditional Use Permit (PA15-0009) for a new wireless



verizon

13008 SAND CANYON AVE.
IRVINE, CA 92618

PLANS PREPARED BY:

NATIONAL
ENGINEERING & CONSULTING INC.
10000 UNIVERSITY BLVD., SUITE 1000
IRVINE, CA 92618

CLIENTS

NO.	DATE	DESCRIPTION	BY
1	08/11/14	90% ZONING	SL
2	03/24/15	100% ZONING	AE
3	07/28/15	REVISED 100% ZONING	SB
4	08/25/15	REVISED 100% ZONING	SB
5	09/22/15	REVISED 100% ZONING	JB

SITE INFORMATION:

MALTBY

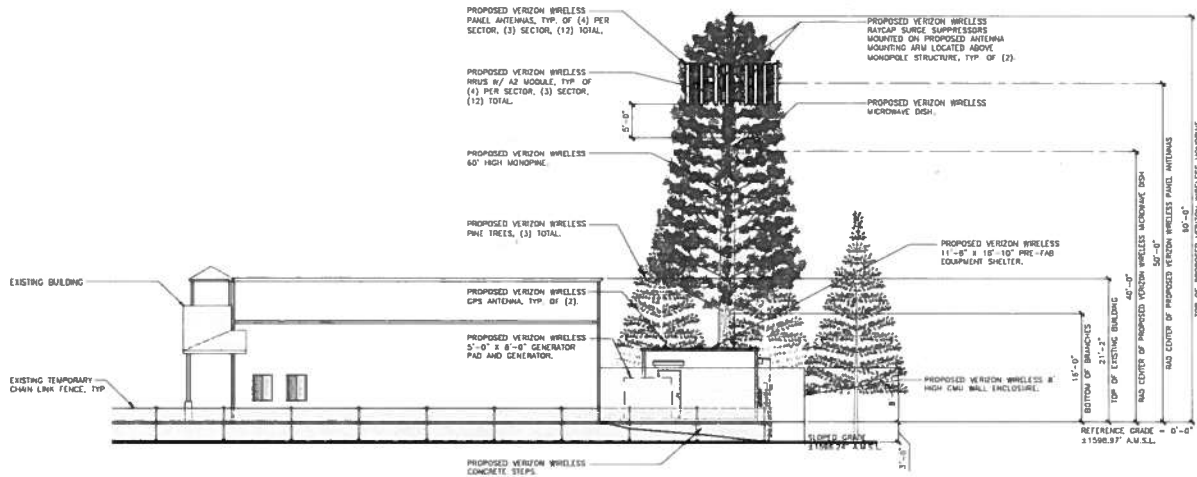
14058 REDLANDS BLVD.
MORENO VALLEY, CA 92555

SCALE: 1/2"=1'-0" 3

ENLARGED SITE PLAN, PROPOSED EQUIPMENT AND ANTENNA LAYOUT PLANS

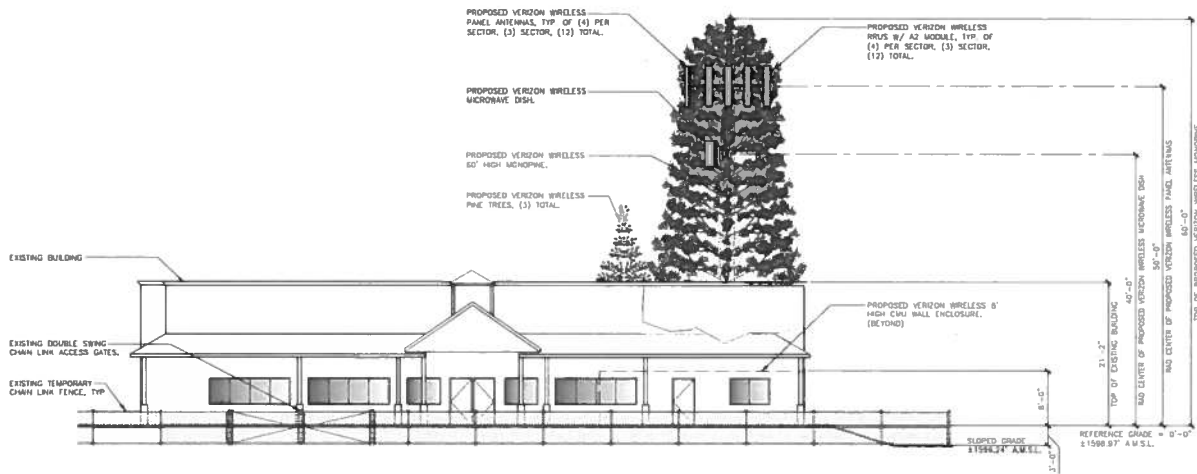
SHEET NUMBER: **A-2**

Attachment: Site Plans & Elevations (1677 : Conditional Use Permit (PA15-0009) for a new wireless



PROPOSED SOUTH ELEVATION

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



PROPOSED WEST ELEVATION

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



1506 SAND CANYON AVE
IRVINE, CA 92618

PLANS PREPARED BY:



CLIENTS

NO.	DATE	DESCRIPTION	BY
1	06/11/14	90% ZONING	SL
2	03/24/15	100% ZONING	AE
3	07/28/15	REVISED 100% ZONING	SB
4	08/25/15	REVISED 100% ZONING	SB
5	09/22/15	REVISED 100% ZONING	JB

SITE INFORMATION:

MALTBY

14658 REDLANDS BLVD.
MORENO VALLEY, CA 92555

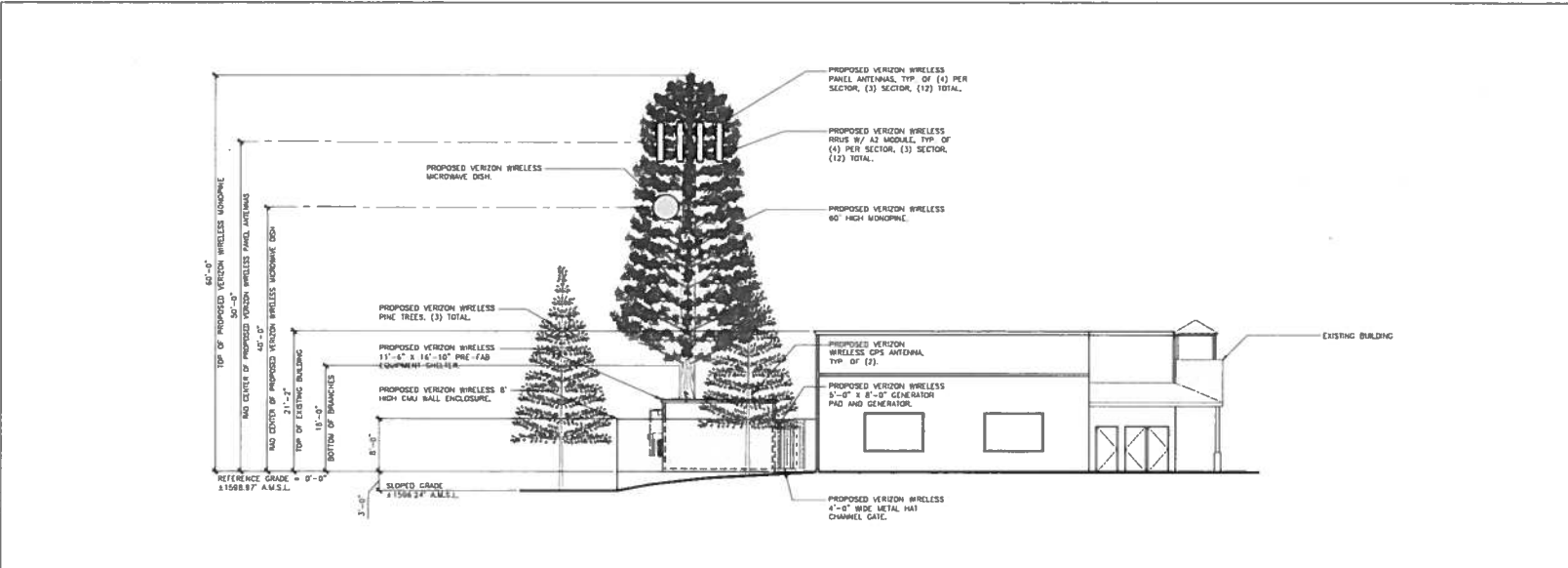
SEAL:

SHEET TITLE:

**ARCHITECTURAL
ELEVATIONS**

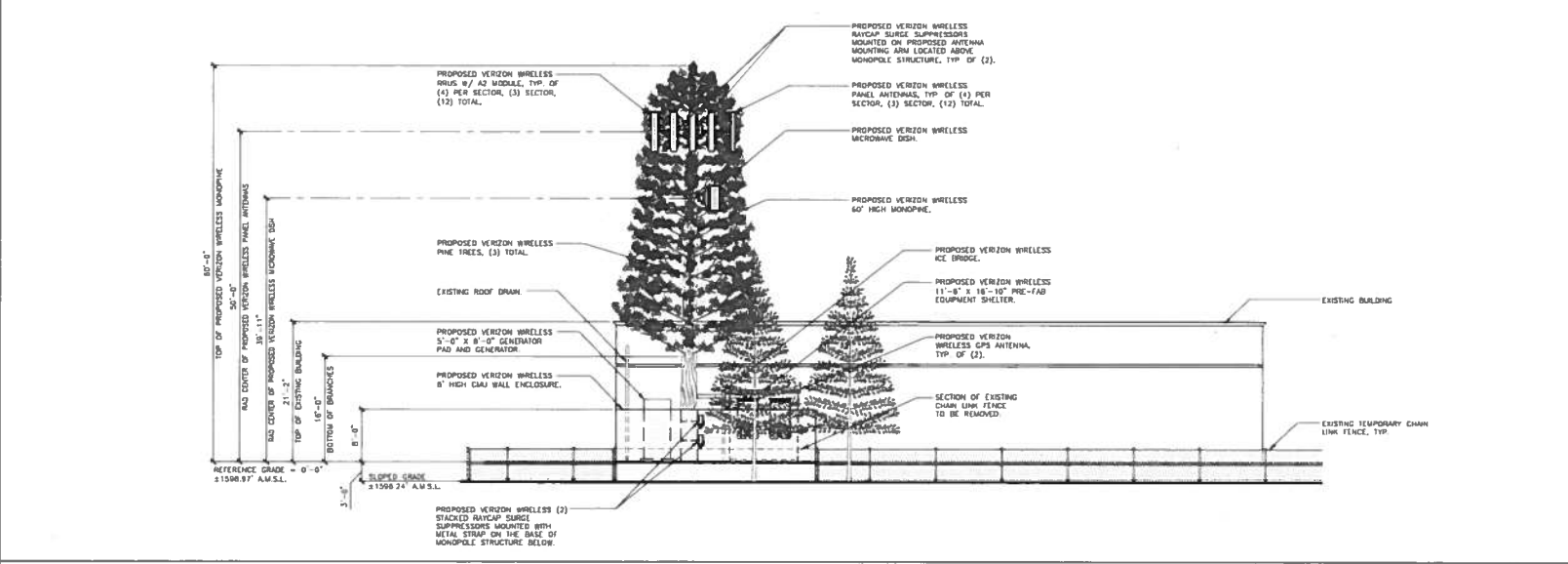
SHEET NUMBER:

A-3



PROPOSED NORTH ELEVATION

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



PROPOSED EAST ELEVATION

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

verizon
 1300 SAND CANYON AVE
 IRVINE, CA 92618

PLANS PREPARED BY:
NATIONAL
 ENGINEERING & CONSULTING, INC.
 4711 UNIVERSITY LANE, SUITE 200, COSTA MESA, CA 92626
 PHONE: 949.440.9919 FAX: 949.440.9920

CLIENTS

NO.	DATE	DESCRIPTION	BY
1	08/11/14	90% ZONING	SL
2	03/24/15	100% ZONING	AE
3	07/28/15	REVISED 100% ZONING	SB
4	08/25/15	REVISED 100% ZONING	SB
5	09/22/15	REVISED 100% ZONING	JB

SITE INFORMATION:
MALTBY
 14558 REDLANDS BLVD.
 MORENO VALLEY, CA 92555

SEAL:

SHEET TITLE:
ARCHITECTURAL ELEVATIONS

SHEET NUMBER:
A-4

Attachment: Site Plans & Elevations (1677 : Conditional Use Permit (PA15-0009) for a new wireless

VICINITY MAP
PHOTOSIMULATION VIEWPOINTS



MALBY
14058 REDLANDS BLVD.
MORENO VALLEY, CA 92555



DISCLAIMER:
THIS PHOTOSIMULATION IS INTENDED AS A GRAPHICAL REPRESENTATION OF EXISTING AND PROPOSED SITE CONDITIONS BASED ON THE PROJECT / DRAWING PLANS. IT IS NOT INTENDED FOR CONSTRUCTION. ACTUAL, FINAL CONSTRUCTION MAY VARY

Attachment: Photo Simulations (1677 : Conditional Use Permit (PA15-0009) for a new wireless

PHOTOSIMULATION VIEW 1

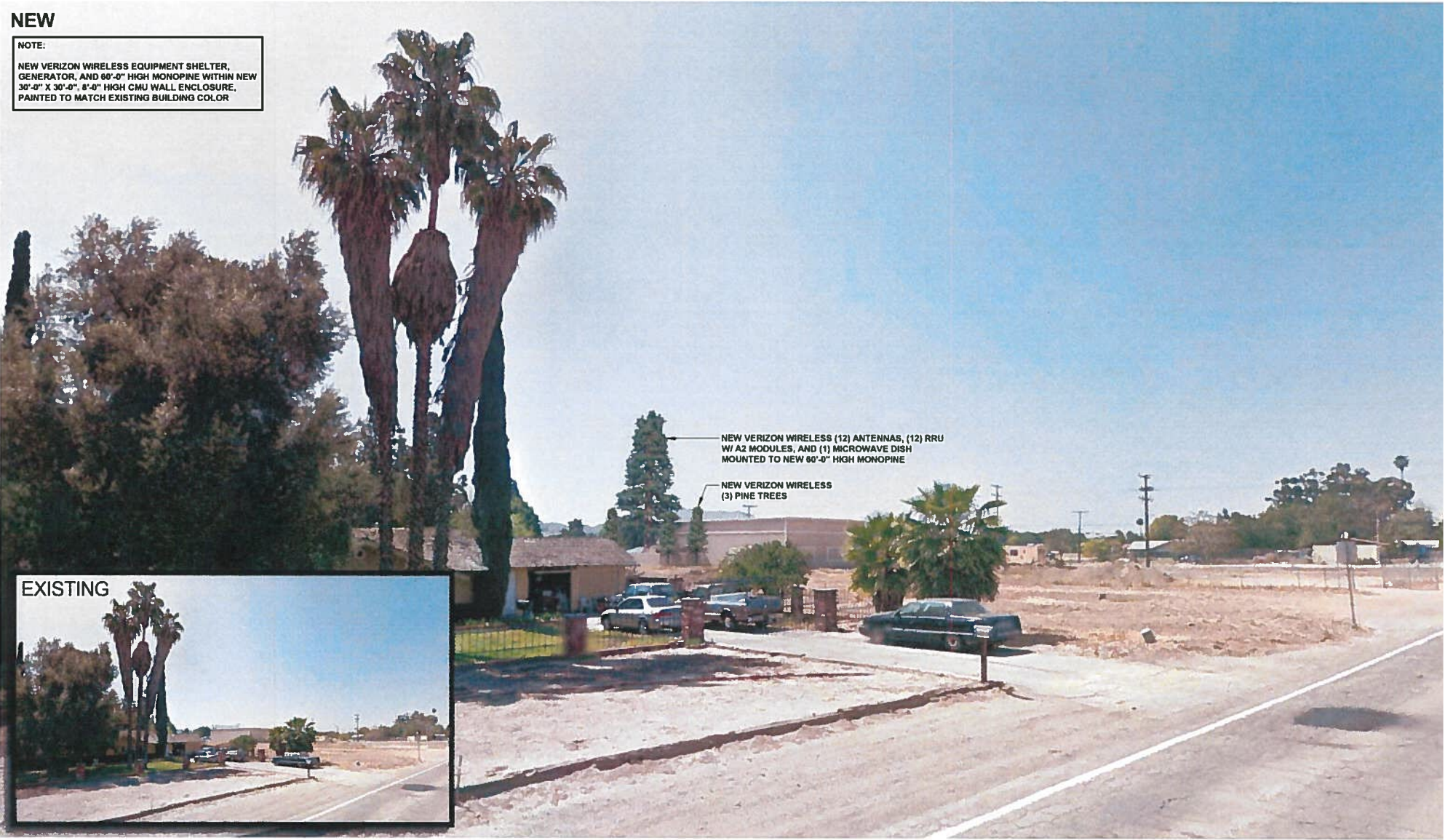


MALTBY
14058 REDLANDS BLVD.
MORENO VALLEY, CA 92555



NEW

NOTE:
NEW VERIZON WIRELESS EQUIPMENT SHELTER,
GENERATOR, AND 60'-0" HIGH MONOPINE WITHIN NEW
30'-0" X 30'-0", 8'-0" HIGH CMU WALL ENCLOSURE.
PAINTED TO MATCH EXISTING BUILDING COLOR



NEW VERIZON WIRELESS (12) ANTENNAS, (12) RRU
W/ A2 MODULES, AND (1) MICROWAVE DISH
MOUNTED TO NEW 60'-0" HIGH MONOPINE

NEW VERIZON WIRELESS
(3) PINE TREES

EXISTING



Attachment: Photo Simulations (1677 : Conditional Use Permit (PA15-0009) for a new wireless



MALTBY
14058 REDLANDS BLVD.
MORENO VALLEY, CA 92555



PHOTOSIMULATION VIEW 2

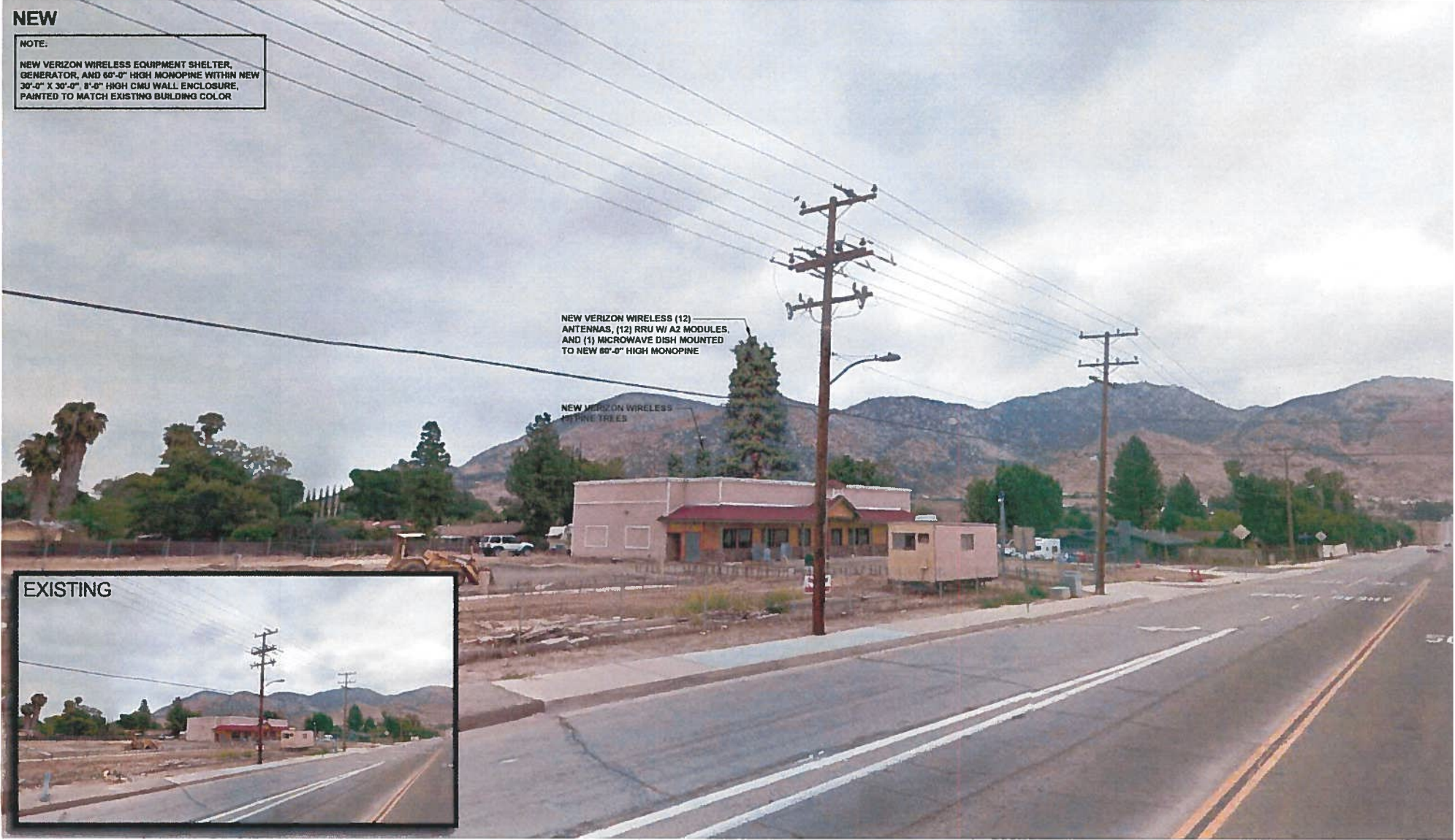
NEW

NOTE:
NEW VERIZON WIRELESS EQUIPMENT SHELTER,
GENERATOR, AND 60'-0" HIGH MONOPINE WITHIN NEW
30'-0" X 30'-0", 8'-0" HIGH CMU WALL ENCLOSURE,
PAINTED TO MATCH EXISTING BUILDING COLOR

NEW VERIZON WIRELESS (12)
ANTENNAS, (12) RRU W/ A2 MODULES,
AND (1) MICROWAVE DISH MOUNTED
TO NEW 60'-0" HIGH MONOPINE

NEW VERIZON WIRELESS
PINE TREES

EXISTING



Attachment: Photo Simulations (1677 : Conditional Use Permit (PA15-0009) for a new wireless

PHOTOSIMULATION VIEW 3



MALTBY
14058 REDLANDS BLVD.
MORENO VALLEY, CA 92555



NEW

NOTE:
NEW VERIZON WIRELESS EQUIPMENT SHELTER,
GENERATOR, AND 60'-0" HIGH MONOPINE WITHIN NEW
30'-0" X 30'-0", 8'-0" HIGH CMU WALL ENCLOSURE,
PAINTED TO MATCH EXISTING BUILDING COLOR



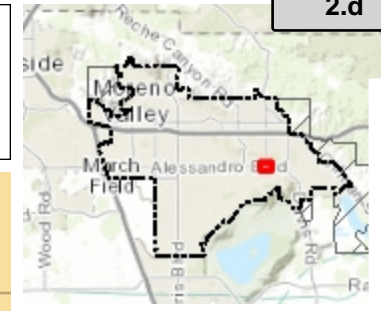
EXISTING



Attachment: Photo Simulations (1677 : Conditional Use Permit (PA15-0009) for a new wireless



Zoning PA15-0009



Legend

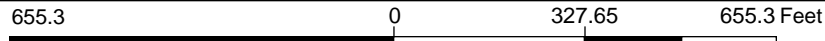
Zoning

- Commercial
- Industrial/Business Park
- Public Facilities
- Office
- Planned Development
- Large Lot Residential
- Residential Agriculture 2 DU/AC
- Residential 2 DU/AC
- Suburban Residential
- Multi-family
- Open Space/Park

Parcels

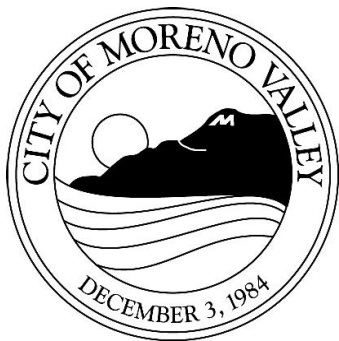
Notes

CUP for new wireless telecommunications facility with a 60 foot monopine located at 14058 Redlands Boulevard (APN(s): 478-430-0318 & -029).



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: Zoning (1677 : Conditional Use Permit (PA15-0009) for a new wireless communications



Notice of PUBLIC HEARING

This may affect your property. Please read. Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

Project: PA15-0009 (CUP)
Applicant: Verizon Wireless
Owner: Shinder Kaur and Parmjit Singh
Representative: SAC Wireless (Dail Richard)
A.P. No(s): 478-430-031& -029
Location: 14058 Redlands Boulevard (Farm Market)

Proposal: A Conditional Use Permit (CUP) for a new wireless communications facility with 60 foot monopine behind the Farm Market at the southeast corner of Alessandro Blvd and Redlands Blvd.

Council District: 3

Case Planner: Claudia Manrique

The project will not have a significant effect on the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) as a Class 3 Categorical Exemption, CEQA Guidelines, Section 15303 for New Construction or Conversion of Small Structures.

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday), or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The Planning Commission, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.



LOCATION N ↑

PLANNING COMMISSION HEARING

City Council Chamber, City Hall
 14177 Frederick Street
 Moreno Valley, Calif. 92553

DATE AND TIME: October 8, 2015 at 7 PM

CONTACT PLANNER: Claudia Manrique
PHONE: (951) 413-3225

PLANNING COMMISSION RESOLUTION NO. 2015-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PA15-0009, A CONDITIONAL USE PERMIT FOR A NEW VERIZON 60 FOOT MONOPINE WIRELESS TELECOMMUNICATION FACILITY AT 14058 REDLANDS BOULEVARD (APNS: 478-430-031 & -029)

WHEREAS, Verizon has filed an application for the approval of PA15-0009, Conditional Use Permit for a new 60 foot monopine wireless telecommunications facility as described in the title of this Resolution; and

WHEREAS, the application has been evaluated in accordance with established City of Moreno Valley procedures, and with consideration of the General Plan and other applicable regulations; and

WHEREAS, upon completion of a through development review process the project was appropriately agendized and noticed for a public hearing before the Planning Commission; and

WHEREAS, on October 8, 2015, the Planning Commission of the City of Moreno Valley conducted a public hearing to consider the application; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Moreno Valley as follows:

- A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.
- B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on October 8 2015, including written and oral staff reports, and the record from the public hearing, this Planning Commission finds as follows:
 1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The proposed telecommunications facility, as conditioned, incorporates enhanced design elements and stealth features consistent with General Plan Policy 7.7.6. The proposed telecommunications facility is screened from view from the public right-of-way through siting the monopine and required equipment near existing structures, as required by Section 9.09.040 (Communication facilities, antennas and satellite dishes) of the Municipal Code. The requirement to plant additional landscaping (three pine trees) will work to blend the new structure with the existing trees near the site, and with proposed landscaping of the adjacent Farm Market. The proposed use does not conflict with any of the goals, objectives, policies, and programs of the General Plan.

2. **Conformance with Zoning Regulations** – The proposed use complies with all applicable zoning and other regulations.

FACT: Wireless telecommunications facilities are allowed by conditional use permits within the City. As designed and conditioned, the proposed use will comply with all the applicable Municipal Code provisions, including regulations governing the establishment and operation of commercial communication facilities under Section 9.09.040 (Communication facilities, antennas and satellite dishes) of the Municipal Code. As such the zoning development standard requirements have been met to support approval of the conditional use permit.

3. **Health, Safety and Welfare** – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The telecommunications improvements as proposed are a common feature in urbanized areas. No health, safety, or welfare problems unique to the project location are known nor have been identified. The proposed use is expected to improve communication reliability in the project area and provides enhanced choice in wireless service providers in the identified coverage area. In the event of an emergency or natural disaster, the availability of additional wireless technology infrastructure can help to enhance the general health, safety, and welfare of the citizens of Moreno Valley.

4. **Location, Design and Operation** – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

FACT: The telecommunications improvements as proposed are a common feature in urbanized areas. Staff worked very closely with

the applicant to ensure that the design and the appearance of the monopine tower, equipment cabinets, and miscellaneous site improvements would be compatible with the existing Farm Market structure.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA15-0009, incorporated herein by reference, include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Government Code Section 66020(a) and failure to follow this procedure in a timely fashion will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2015-25 to:

1. **CERTIFY** that this item is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 3 Categorical Exemption, CEQA Guidelines, Section 15303 for New Construction or Conversion of Small Structures; and
2. **APPROVE** Conditional Use Permit PA15-0009 based on the findings contained in the resolution and subject to the conditions of approval included as Exhibit A of the resolution.

APPROVED on this 8th day of October, 2015.

Brian R. Lowell
Chair, Planning Commission

ATTEST:

Richard J. Sandzimier, Planning Official

APPROVED AS TO FORM:

City Attorney

Attached: Conditions of Approval

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR PA15-0009
CONDITIONAL USE PERMIT FOR COMMUNICATIONS FACILITY
AT 14058 REDLANDS BOULEVARD**

APPROVAL DATE: October 8, 2015
EXPIRATION DATE: October 8, 2018

This set of conditions shall include conditions from:

Planning (P), including Building and Safety (B)
 Fire Division (F)

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

- P1. Conditional Use Permit (PA15-0009) is an approval for a 60 foot tall monopine (Verizon Wireless) located at 14058 Redlands Boulevard (APN(s): 478-430-031 & -029), behind the existing Farm Market.
- P2. Maintenance hours of the new wireless telecommunications facility (60 foot monopine) will be allowed from 6 am to 10 pm, seven days a week, except in the event of an emergency requiring immediate maintenance.
- P3. The antennas and all ancillary equipment and hardware attached to the top portion of the monopine shall be painted green to match the tree. Pine branches will begin at no more than 16 feet from grade and three branches will be installed every one foot thereafter to provide screening of the equipment.
- P4. The pole shall be designed to resemble a natural pine tree trunk including raised bark with a high relief pattern.
- P5. Any existing landscaping near the lease area that is damaged or removed as a result of any proposed work shall be replaced.
- P6. There shall be no signage or graphics affixed to the equipment, equipment building, or fence, except for public safety warnings and FCC required signage.

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Requirements
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	BM - Subdivision Map Act	

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT - PA15-0009
PAGE 2

- P7. A total of three (3) pine trees shall be planted near the equipment enclosure. The initial height of the newly planted trees shall be a minimum of 20'. The pine trees shall be maintained in a healthy and thriving condition, free from weeds, trash and debris by the developer or the developer's successor-in-interest.
- P8. Any existing fencing, concrete work, or site amenities damaged or removed near the lease area as a result of any proposed work, shall be repaired, replaced or relocated to original condition.
- P9. The proposed ground equipment shall be placed behind a decorative block wall enclosure. The material and color shall match the existing Farm Market structure and must not exceed eight (8) feet in overall height.
- P10. All utility and coaxial connections to the equipment building/screened area shall be undergrounded. All connections to the monopine shall be underground, installed within the equipment building or located within the lease area below the height of the eight foot (8') decorative block wall, painted to match the existing Farm Market structure.
- P11. The antenna array shall not extend beyond the lease area and any other equipment associated with the telecommunications facility shall be placed within the enclosure.
- P12. All proposed ancillary equipment shall be placed within the confines of the equipment area. No barbed or razor wire fencing shall be used for the facility.
- P13. At such time as the facility ceases to operate, the facility shall be removed. The removal shall occur within 90-days of the cessation of the use. The Conditional Use Permit may be revoked in accordance with provisions of the Municipal Code. (MC 9.02.260)
- P14. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.
- P15. This approval shall expire three (3) years after the approval date of Conditional Use Permit PA15-0009 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)
- P16. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris by the developer or the developer's successor-in-interest. (MC 9.02.030)

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT - PA15-0009
PAGE 3

- P17. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, the Landscape Requirements, the 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 City Planning Official or designee. (MC 9.14.020, Ldscp)
- P18. (CO) Prior to issuance of a building final, the applicant shall contact the Planning Division for a final inspection.

Building and Safety Division

- B1. New buildings/structures shall comply with the current California Building Standards Code (CBC, CEC, CMC, CPC and Green Building Standards) as well as City ordinances. Plans shall be submitted to the Building and Safety Division as a separate submittal and shall include a soils report at time of first submittal. Beginning on January 1, 2014, the 2013 CBC will become effective for all new building permit applications.
- B2. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- B3. The proposed new development is subject to the payment of development fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.

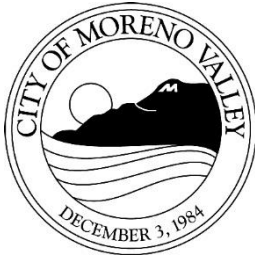
CONDITIONS OF APPROVAL
 CONDITIONAL USE PERMIT - PA15-0009
 PAGE 4

FIRE PREVENTION BUREAU

With respect to the conditions of approval for **PA15-0009**, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinance's and/or recognized fire protection standards.

Standard Conditions:

- F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy and use as specified in the California Building Code (CBC), California Fire Code (CFC), Moreno Valley Municipal Code and related codes which are in force at the time of building plan submittal.
- F2. Prior to construction and issuance of Building Permits, the developer shall submit evidence to the City confirming that all required fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twelve (12) feet as approved by the Fire Prevention Bureau 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])
- F3. Prior to construction, the developer shall submit evidence to the City confirming that any proposed "private" driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.060, CFC 501.4)
- F4. Prior to issuance of a building permit the applicant shall provide written verification that the communication system and related equipment they will be installing will not interfere with Fire or Police Communication System.
- F5. Any time after installation, any interruption of Fire, Police or other public emergency Communication System due to the purveyor's system, the purveyor shall cease to operate site until corrections can be made to purveyor's system.
- F6. Prior to the issuance of a Certificate of Occupancy or building final, the developer/applicant shall be responsible for obtaining permits for the storage of combustible liquids, flammable liquids or any other hazardous materials from both the County Health department and Fire Prevention Bureau. (CFC 105)
- F7. 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 Chief. Knox box may be installed on the exterior gate to the equipment shelter. (CFC 506.1)



PLANNING COMMISSION

STAFF REPORT

Meeting Date: October 8, 2015

THE SOUTH MORENO VALLEY WALMART PROJECT PROPOSES A PLOT PLAN APPLICATION FOR DEVELOPMENT OF A RETAIL STORE (WALMART) CONSISTING OF A TOTAL OF 185,761 SQUARE FEET AND A SINGLE COMMERCIAL OUTPARCEL. THE DEVELOPMENT OF THE OUTPARCEL HAS BEEN REVIEWED UNDER A CONDITIONAL USE PERMIT APPLICATION FOR EITHER A GAS STATION WITH 16 FUELING PUMPS, A 2,900-SQUARE-FOOT CONVENIENCE STORE, AND A DRIVE-THROUGH CAR WASH, OR AS A 3,500-SQUARE-FOOT FAST FOOD RESTAURANT WITH DRIVE THROUGH AND A 3,200 SQUARE FEET RETAIL BUILDING. DEVELOPMENT OF THE SITE WILL INCLUDE AN ON-SITE DETENTION BASIN AND OFF-SITE ROADWAY AND UTILITY IMPROVEMENTS. THE APPLICANT IS ALSO SEEKING APPROVAL OF TENTATIVE PARCEL MAP NO. 36606 TO SUBDIVIDE THE PROJECT SITE INTO TWO PARCELS. APPROVAL OF THIS PROJECT WILL REQUIRE CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT.

Case: PA13-0032 – Plot Plan
 PA13-0033 – Tentative Parcel Map 36606
 PA13-0034 – Conditional Use Permit
 P13-071 - Environmental Impact Report

Applicant: Kimley-Horn and Associates, Inc.

Owner: Wal-Mart Real Estate Business Trust

Representative: Kimley-Horn and Associates, Inc.

Location: Southwest corner of Perris Boulevard and Gentian Avenue.

Case Planner: Jeff Bradshaw

Council District: 4

SUMMARY

The applicant is seeking approval of applications for a Tentative Parcel Map, Plot Plan and Conditional Use Permit to enable the subdivision of a 21 acre property into two parcels and one lettered lot for the development of a 185,761 square foot retail store on a 19 acre parcel, development of separate retail uses (e.g. gas station, car wash, retail store and/or fast food restaurant with a drive-through) on a 1.0 acre parcel, and the remainder as a lettered lot.

PROJECT DESCRIPTION

The applicant, Kimley-Horn and Associates, Inc., on behalf of Walmart Real Estate Business Trust, has submitted three applications for development of the South Moreno Valley Walmart project which include a Tentative Parcel Map, a Plot Plan, and a Conditional Use Permit.

Site

The project site is located on the west side of Perris Boulevard between Gentian Avenue and Santiago Drive. The project site is comprised of a single vacant triangular shaped parcel that is mostly flat and bounded on the north by Gentian Street, on the south by Santiago Drive, on the west by the California Aqueduct and on the east by Perris Boulevard.

Surrounding Area

The project is located on the west side of Perris Boulevard between Gentian Avenue and Santiago Drive. The project site is zoned Community Commercial (CC). Land uses to the north include vacant R5 zoned land that has been approved for single family development along with existing single family tract homes. South of the project site is a vacant R30 zone parcel and a Home Depot store and Farmer Boys restaurant and a shopping center to the south east at Perris Boulevard and Iris Avenue. Land uses to the west include vacant R5 and R30 zoned land and existing single family tract homes on Indian Street. Land uses to the east include existing single family tract homes with apartments located to the northeast.

The proposed retail store is a permitted use in the CC zone. The project as designed and conditioned is compatible with existing and planned land uses in the vicinity. With the implementation of required mitigation measures and as designed and conditioned, the operation of the proposed project is expected to integrate attractively, seamlessly and to be supportive of existing and future development in the vicinity.

Development Applications

Tentative Parcel Map

Tentative Parcel Map No. 36606 proposes to subdivide the approximate 21 acres of Assessor's Parcel Number 485-210-041 into two development parcels and one lettered lot. The map is conditioned (Land Development condition LD24) to record reciprocal access easements for shared access between Parcels 1 and 2. The property is zoned Community Commercial and both parcels are proposed for neighborhood retail development.

Parcel 1 is approximately 19 acres in size and located at the southwest corner of Gentian Avenue and Perris Boulevard. This parcel is triangular in shape and bounded on the north by Gentian Avenue, on the east by Perris Boulevard, on the west by the California Aqueduct and on the south by Santiago Drive. This parcel is the intended site for the 185,761 square foot Walmart retail building proposed by Plot Plan PA13-0032.

Parcel 2 is 1.0 acre in size and located at the northwest corner of Santiago Street and Perris Boulevard. This parcel is rectangular in shape and bounded on the east by Perris Boulevard, on the south by Santiago Street, and on the west and north by Parcel 1. This parcel is the intended site for separate standalone retail development (e.g. either as a gas station, car wash, retail store, and/or fast food restaurant with drive-through) proposed by Conditional Use Permit PA13-0034.

Lettered Lot A is located at the southeast corner of Gentian Avenue and the California Aqueduct. Lot A is triangular in shape and is 0.85 acre in size. Given the shape and location of this parcel it is not designated for any parking or any other retail use at this time. This lot is conditioned (Planning condition P3) to be maintained as a landscaped area by the developer.

Plot Plan

Plot Plan PA13-0032 proposes the development of a 185,761 square foot Walmart retail store on the 19 acres of Parcel 1 of Tentative Parcel Map 36606.

In addition to the primary Walmart store, associated ancillary elements of the Walmart operation include truck docks and loading facilities, a garden center with outdoor sale area, trash compaction, organic waste, recycling, and bale and pallet storage areas, rooftop proprietary satellite communication facilities and 829 vehicle parking spaces and 42 bicycle parking spaces.

The store proposes to operate 24-hours a day. The store will offer general merchandise and groceries sales as well as alcoholic beverages sales. It is specifically noted here for the Commission's awareness that alcohol sales are permitted within the Community Commercial zone as part of the operation of a grocery store. The Walmart store is expected to have a full pharmacy with a drive-through on the east side of the building.

Potential accessory uses could include a vision and hearing care center, medical clinic, a photo studio and photo finishing center, and/or a banking center. Accessory uses that are permitted within the Community Commercial zoning would require approval of a business license and may require separate building permit for tenant improvements as each space is put in use, if subsequent to the primary store space, or if changed out from time to time.

A water quality/storm water detention basin will be located on Parcel 1. This facility satisfies the requirements and provides water quality treatment and storm water detention for both Parcels 1 and 2.

A segment of multi-use trail will be installed on the north side of Santiago Drive near the water quality basin. This trail segment will provide a connection to the future regionally connected Juan Bautista De Anza Trail that will be built within the adjacent California Aqueduct.

Access/Parking

The project site will be accessed directly from Perris Boulevard, Gentian Avenue and Santiago Drive. The installation of a fully landscaped median is required in Perris Boulevard. This will restrict access from Perris Boulevard to right-in/right-out only. Additional access is provided with a single driveway on both Gentian Avenue and Santiago Drive. Both Gentian Avenue and Santiago Drive will be developed as lighted intersections. The project has been conditioned (Land Development condition LD24) to record reciprocal access easements to ensure shared access between Parcels 1 and 2.

The driveways and interior drive aisles within the parking lot have been approved by the Fire Prevention Bureau for fire truck access. The total parking spaces required by Code for the Walmart site is 825; 829 are proposed on the site plan. The site has also been designed for adequate truck maneuvering and turnaround within the designated loading zones at the buildings north elevation. The driveway on Gentian Avenue has been identified as the main access for deliveries to the Walmart store. The project as designed satisfies all parking requirements of the City's Municipal Code including ADA accessible parking and parking for fuel efficient vehicles. Cart corrals have been incorporated into the design of the parking lot area as required by the City's Municipal Code.

Pedestrian access to the store includes a pathway connection from Perris Boulevard to the main entrance. This pathway continues to the west and provides a connection to the future Juan Bautista De Anza Trail that will be built within the adjacent California Aqueduct. A second point of connection to this trail is provided from a multi-use trail segment on the north side of Santiago Drive near the water quality basin.

Design/Landscaping

Site design of the proposed large footprint Walmart retail store site is consistent with requirements of the City's Municipal Code for criteria that includes setbacks, coverage,

parking, drive aisles, driveways, pedestrian access, landscape and public improvements.

Since the Walmart store is a large box structure and highly visible on all sides, staff worked closely with the applicant to ensure that all sides of the buildings include considerate architectural treatment and details. Primary building materials are concrete masonry block and Split Face concrete masonry block in brown earth tones with cultured stone treatments on columns and entrances. Building treatments includes cornices on tower features, metal canopies and metal awnings. Roof top equipment will be screened from public view by parapet walls. Additional considerations will be given to accessory items such as wall lighting, railings, and other exterior fixtures during architectural building plan check prior to building permit issuance when those details will be available.

The loading docks are located on the north side of the building along the Gentian Avenue frontage and would be visible from the R5 zone property to the north. Given this proximity and visibility from the residentially zoned property to the north, the loading docks will be screened from view with a combination of walls and dense landscaping along the northern property line with additional landscape screening provided by the landscaped median in Gentian Avenue.

Landscaping for the development on Parcel 1 is approximately 18% of the site area excluding the water quality/detention basin. The City's Municipal Code does not require a minimum percentage of landscape on a site. However, there are requirements for landscape setback areas along perimeter streets, parking lot landscape, street trees and landscape treatments around the perimeter of buildings where visible from the public right-of-way. These requirements are satisfied by the proposed site design.

In addition to required landscape, the project has been conditioned (Planning conditions P22) to provide a tree row to screen the loading docks at the north elevation of the building. Also, trellis structures are required along the site's main pedestrian connection from Perris Boulevard and along the store's front (south) elevation. The trellises are paired with landscape planters.

As noted previously, the developer has been conditioned (Planning condition L3) to install landscape within Lot A and maintain that area as part of the project. The required water quality/detention basin will also be landscaped and maintained by the developer.

The following public improvements are a requirement for development of this project as identified in Land Development condition LD59:

- Perris Boulevard to be constructed to complete the half-width along the entire project's east frontage. Remaining improvements will consist of, but not be limited to, a raised median, meandering curb-separated sidewalk, driveway approaches, drainage structures, streetlights, pedestrian access ramps, undergrounding of overhead utility lines less than 115,000 volts, and dry and wet utilities;

- Santiago Drive to be constructed to half-width plus an additional 18 feet south of the centerline, along the entire project's south frontage. Improvements will consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, streetlights, pedestrian access ramps, undergrounding of overhead utility lines less than 115,000 volts, bicycle/pedestrian path and dry and wet utilities; and
- Gention Street to be constructed to half-width plus an additional 18 feet north of the centerline, along the entire project's north frontage. Improvements will consist of, but not be limited to, a raised median, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, streetlights, pedestrian access ramps, dry and wet utilities; and
- Sunnymead Master Drainage Plan Line M-2 will be constructed within the public right-of-way in Santiago Drive, Perris Boulevard and Iris Avenue. This includes, but not limited to, construction of a 39-inch minimum storm drain, laterals, catch basins/inlets, and local depressions as needed.

This project design conforms to all development standards of the Community Commercial and the design guidelines for commercial uses as required within the City's Municipal Code. It should be noted that signs are not a part of this approval and will be reviewed and approved under separate administrative permit.

Conditional Use Permit

Conditional Use Permit PA13-0034 proposes two options for development on the 1.0 acre Parcel 2 of Tentative Parcel Map 36606. Consideration in the environmental documents as well as the site design has considered various options:

- Option A - Proposal for a gas station with 16 fueling pumps, a 2,900-square-foot convenience store, and a drive-through car wash.
- Option B - Proposal for a 3,500-square-foot fast food restaurant with drive through and a 3,200 square feet retail building.

City staff worked with the applicant on the site design for both options to ensure that the project conforms to all development standards of the Community Commercial zoning and Municipal Code requirements for service stations and fast food restaurants as well as the design guidelines for commercial uses.

Since there is not an identified tenant/developer for the land use envisioned on Parcel 2 (e.g. either the gas station, car wash, fast food restaurant) at this time, building elevations were not provided nor required for review and consideration. Prior to development of any structures on Parcel 2, architecture plans must be reviewed and approved by the City through a separate submittal of an application for a Plot Plan with no notice and no hearing. At the Planning Official's discretion, the Plot Plan including

the architectural plans could be scheduled for Planning Commission consideration and action.

In any event, significant changes to the site design would require review and approval of an amended conditional use permit by the Planning Commission. Examples of significant changes that would go beyond substantial conformance from the original design and require an amended conditional use permit, could include, but are not limited to, increases in building area, drastic changes to on-site circulation and parking, relocation of buildings, or changes in use that inherently results in potential environmental impacts that were not previously analyzed in the current Environmental Impact Report.

It is noted that project signage is not a part of the current project applications and must be reviewed and approved under separate permit application(s) for administrative permit.

REVIEW PROCESS

The project applications were submitted on July 7, 2013. Upon submittal the project plans and related supporting documents were circulated for a comprehensive review by City staff, local utilities, and responsible agencies.

In accordance with Section 9.01.120 of the Municipal Code, the project was reviewed by the Project Review Staff Committee (PRSC) in August 2013. Modifications were requested at that time to the plot plan, conditional use permit and tentative parcel map exhibits and preliminary grading plan.

Through seven subsequent plan reviews, revised plans were submitted to the City in January, March, April, June, and November 2014 and again in March and May 2015. Upon review of a final draft of the site plan and completion of the Final Environmental Impact Report in September 2015, a determination was made to schedule this project for a Planning Commission public hearing on October 8, 2015.

Walmart's public outreach efforts have included direct mailers notifying residents about the project, email blasts to invite residents to the Planning Commission hearing, and a hotline for residents to call with questions. Additionally, Walmart has informed the City that they will be holding an open house for the project on October 21st where the public and interest parties will have the opportunity to learn more about the project.

ENVIRONMENTAL

Initial Study/Notice of Preparation

City staff worked with the environmental consultant, Applied Planning, in the preparation of an Initial Study checklist and a Notice of Preparation (NOP). A Notice of Completion and Environmental Document Transmittal was filed with the State Clearinghouse on March 25, 2014 for the Notice of Preparation of a Draft Environmental Impact Report

(DEIR) for the project. The public review period of the NOP was March 28, 2014 through April 28, 2014. A public scoping meeting was held in connection with the NOP on April 16, 2014 in the Council Chamber at City Hall

Draft Environmental Impact Report

Following the scoping meeting, draft environmental documents were prepared by the environmental consultant, Applied Planning, and submitted to the City for review.

City staff reviewed the draft environmental documents for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft Environmental Impact Report (DEIR) was circulated for a 45-day public review period, starting on April 20, 2015, and ending on June 4, 2015. The Draft EIR was made available for public review at City Hall, the City Library and posted on the City's website.

The Draft EIR was sent to all required State and local agencies and numerous interested parties, as well as to the City's Environmental and Historical Preservation Board. Seven comment letters were submitted to the City during the 45-day review period. Also in response to distribution of the Draft Environmental Impact Report, the Planning Division received three direct emails stating opposition to the project. The emails are included in the staff report as Attachment #7. These emails did not raise questions or issues related to the EIR. Therefore, the City did not prepare responses to the emails in the Final Environmental Impact Report.

Final Environmental Impact Report

Responses to the seven comment letters received during the 45 day review period are included in the Response to Comments section of the Final Environmental Impact Report (FEIR). As noted above, the City did not prepare responses to the three comment emails submitted to the City that stated opposition to the project. The FEIR including the Response to Comments was mailed to all interested parties and responsible agencies on September 24, 2015, to allow for their review prior to the Planning Commission public hearing. The FEIR was also made available for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the FEIR indicates that the proposed project will have a number of potentially significant impacts. Even with proposed mitigation, a number of potential impacts cannot be reduced to a less than significant level and therefore remain "unavoidable" for the categories of Traffic and Circulation and Air Quality.

Traffic and Circulation

The traffic analysis prepared for the project indicated that even with the implementation of mitigation measures, impacts to levels of service at certain local intersections and roadway segments would remain cumulatively significant and unavoidable. Additionally, the project would result in cumulative impacts to regional transportation infrastructure (Caltrans ramps and roadway segments). These impacts would occur with or without the addition of Project traffic. Project traffic would, however, contribute to potentially significant weekday morning peak hour queues at the I-215 NB Off-Ramp at Cactus Avenue. All other Study Area freeway ramps would operate acceptably and would not experience unacceptable queue lengths.

Air Quality

The Air Quality analysis prepared for the project indicated that even with the implementation of mitigation measures, impacts to air quality would occur as construction source and operational source emissions would exceed applicable SCAQMD regional thresholds for NO_x. Project impacts are significant on an individual basis and would therefore contribute to cumulatively significant air quality impacts within a non-attainment area.

Since the land use designation for the project site changed from R5 to Community Commercial in 2013, it is no longer consistent with the Air Quality Management Plan (AQMP) adopted by the South Coast Air Quality District in 2012. Because of this change, findings cannot be made for the project to demonstrate consistency with the criteria and requirements of the AQMP. Therefore, the Project would be inconsistent with AQMP Criterion No's. 1 and 2, resulting in a determination that impacts in this regard would be considered to be potentially significant.

As identified in the Final EIR (FEIR) document, these impacts are considered to be significant and unavoidable.

Where a project's impacts cannot be reduced to less than significant levels, CEQA allows a decision making body to consider a statement of overriding considerations and findings. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the decision making body determines that the benefits of a proposed project outweigh the unavoidable adverse environmental effects, it may approve a statement of overriding considerations and approve the project.

Facts and Findings have been prepared in support of adopting a Statement of Overriding Considerations for the project. Those findings are included in the staff report as Exhibit A to Attachment 2. Staff has reviewed the facts and findings and recommends adoption of a Statement of Overriding Considerations for the project.

Mitigation Measures

The FEIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality, Noise, Hydrology and Water Quality, Geology and Soils, Biological Resources, Cultural Resources, and Hazards and Hazardous Materials. All other categories of potential environmental effects evaluated in the FEIR are considered to be less than significant.

Mitigation measures are included to reduce the environmental impacts where feasible. Where the impacts cannot be reduced to less than significant levels for Traffic and Circulation and Air Quality, adoption of the Statement of Overriding Considerations by the Planning Commission, as discussed above, is recommended. All mitigation measures have also been included as conditions of approval for the project.

NOTIFICATION

The public hearing notice for this project was published in the local newspaper on September 26, 2015. Public notice was sent to all property owners of record within 300 feet of the project site on September 25, 2015. The public hearing notice for this project was also posted on the project site on September 25, 2015. As of the date of report preparation, staff has received no public comments in response to the notices.

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies:

<u>Agency</u>	<u>Response Date</u>	<u>Comments</u>
Eastern Municipal Water District	August 7, 2013	Will serve letter
Department of the Air Force	August 29, 2013	Land use is compatible with base operations

Staff has coordinated with the responsible agencies listed above and where applicable, conditions of approval have been included to address concerns from the responding agencies.

STAFF RECOMMENDATION

Staff recommends that:

1. The Planning Commission **APPROVE** Resolution No. 2015-26 and thereby:
 - a. **CERTIFY** that the Environmental Impact Report (EIR) for the South Moreno Valley Walmart project (Attachments 9 and 10) has been

- completed in compliance with the California Environmental Quality Act; and
- b. **ADOPT** the Findings and Statement of Overriding Considerations regarding the Final EIR for the South Moreno Valley Walmart project, attached hereto as Exhibit A to Resolution 2015-26; and
 - c. **APPROVE** the Mitigation Monitoring Program for the Final EIR for the proposed South Moreno Valley Walmart project, attached hereto as Exhibit B to Resolution 2015-26.
2. The Planning Commission **APPROVE** Resolution No's. 2015-27 and thereby:
 - a. **APPROVE** Tentative Parcel Map 36606 (PA13-0033), subject to the attached conditions of approval included as Exhibit A to Resolution 2015-27.
 3. The Planning Commission **APPROVE** Resolution No. 2015-28 and thereby:
 - a. **APPROVE** Plot Plan PA13-0032, subject to the attached conditions of approval included as Exhibit A to Resolution 2015-28.
 4. The Planning Commission **APPROVE** Resolution Nos. 2015-29 and thereby:
 - a. **APPROVE** Conditional Use Permit PA13-0034, subject to the attached conditions of approval included as Exhibit A to Resolution 2015-29.

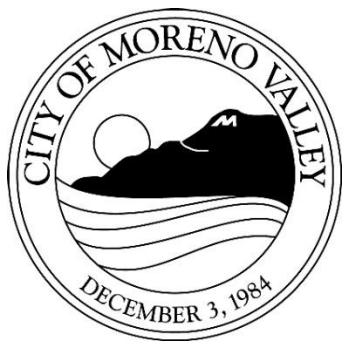
Prepared by:
Jeffrey Bradshaw
Associate Planner

Approved by:
Allen Brock
Community Development Director

ATTACHMENTS

1. Public Hearing Notice
2. Planning Commission Resolution 2015-26
3. Exhibit A to PC Reso 2015-26 - Statement of Overriding Considerations
4. Exhibit B to PC Reso 2015-26 - Mitigation Monitoring Program
5. Planning Commission Resolution 2015-27
6. Exhibit A to PC 2015-27 - TPM 36606 conditions
7. Planning Commission Resolution 2015-28
8. Exhibit A to PC Reso 2015-28 - Plot Plan conditions
9. Planning Commission Resolution 2015-29
10. Exhibit A to PC Reso 2015-29 - CUP Conditions
11. Architectural Plans
12. Preliminary Grading Plan
13. Tentative Parcel Map 36606
14. Public Comment Emails
15. Aerial Map

16. Final Environmental Impact Report (Click FEIR Tab)
17. Draft Environmental Impact Report (Click DEIR Tab)



Notice of PUBLIC HEARING

This may affect your property. Please read. Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

CASE: PA13-0032 – Plot Plan
PA13-0033 – Tentative Parcel Map No. 36606
PA13-0034 – Conditional Use Permit
P13-071 – Environmental Impact Report

APPLICANT: Kimley-Horn and Associates, Inc.

OWNER: Wal-Mart Real Estate Business Trust

REPRESENTATIVE: Kimley-Horn and Associates, Inc.

LOCATION: Southwest corner of Perris Boulevard and Gentian Avenue

PROPOSAL: This project proposes a Plot Plan application for development of a retail store (Walmart) consisting of a total of 185,761 square feet and a single commercial outparcel. The development of the outparcel has been reviewed under a Conditional Use Permit application for either a gas station with 16 fueling pumps, a 2,900-square-foot convenience store, and a drive-through car wash, or as a 3,500-square-foot fast food restaurant with drive through and a 3,200 square feet retail building. Development of the site will include an on-site detention basin and off-site roadway and utility improvements. The applicant is also seeking approval of Tentative Parcel Map No. 36606 to subdivide the project site into two parcels. Approval of this project will require certification of an Environmental Impact Report.

ENVIRONMENTAL DETERMINATION: Environmental Impact Report

COUNCIL DISTRICT: 4

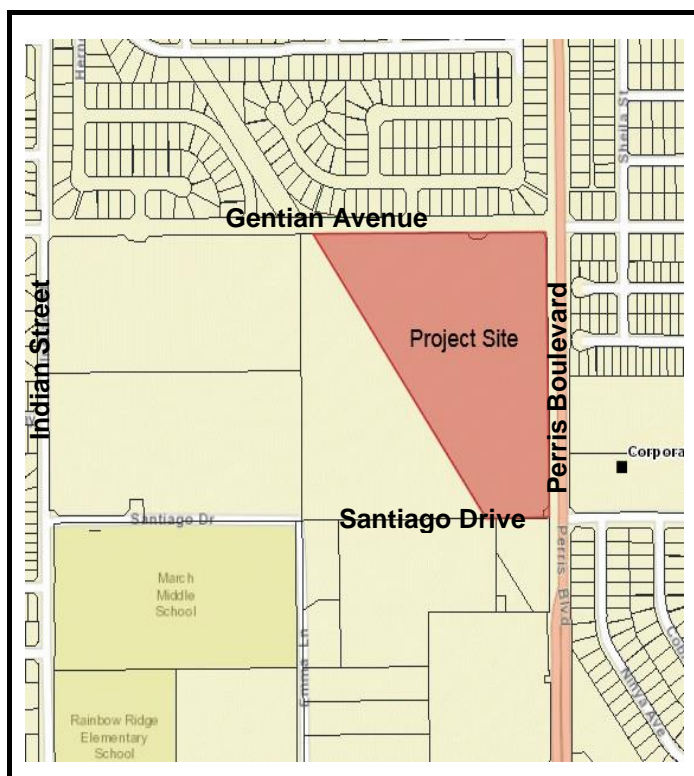
STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and Fridays from 7:30 a.m. to 4:30 p.m.), or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project including the recommended environmental determination at the time of the Hearing.

The Planning Commission, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.



LOCATION N ↑

PLANNING COMMISSION HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: October 8, 2015 at 7 PM

CONTACT PLANNER: Jeff Bradshaw

PHONE: (951) 413-3224

PLANNING COMMISSION RESOLUTION NO. 2015-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P13-071) AND ADOPTING THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATION AND APPROVING THE MITIGATION MONITORING PROGRAM FOR THE SOUTH MORENO VALLEY WALMART PROJECT

WHEREAS, the applicant, Kimley-Horn and Associates, Inc., on behalf of the property ownership, Walmart Real Estate Business Trust, submitted applications for the South Moreno Valley Walmart project that include a Plot Plan (P13-0032) for a 185,761 square feet retail store, Tentative Parcel Map 36606 (PA13-0033) to subdivide the site into two parcels, and a Conditional Use Permit (PA13-0034) for either a gas station with 16 fueling pumps, a 2,900-square-foot convenience store, and a drive-through car wash, or as a 3,500-square-foot fast food restaurant with drive through and a 3,200 square feet retail building. The above applications shall not be approved unless the Final Environmental Impact Report (P13-071), submitted as a related but separate application, is certified and approved; and

WHEREAS, the City worked with the environmental consultant, Applied Planning, in the preparation of an Initial Study checklist and a Notice of Preparation (NOP). A Notice of Completion and Environmental Document Transmittal form was filed with the State Clearinghouse on March 25, 2014 for the Notice of Preparation (NOP) of a Draft EIR for the project. The public review period of the NOP was March 28, 2014 through April 28, 2014. A public scoping meeting was held in connection with the NOP on April 16, 2014 in the Council Chamber at City Hall; and

WHEREAS, the City worked with the environmental consultant, Applied Planning, in the review of NOP response comments for the preparation of a Draft Environmental Impact Report (EIR) for this project. The Draft EIR was circulated to the public and to responsible agencies for comments for a 45 day period beginning on April 20, 2015 and ending on June 4, 2015; and

WHEREAS, since April 20, 2015, copies of the draft EIR have been made available to the public at the City's offices, on the City's website and at the City's public library; and

WHEREAS, in accordance with Section 15088 of the CEQA Guidelines, the City has prepared responses to comments received during the 45 day comment period on the Draft EIR, and such responses are included as a component of the Final EIR; and

WHEREAS, in accordance with Section 15089(b) of the CEQA Guidelines, on September 26, 2015, the City published a notice in the local newspaper (Press Enterprise) and distributed copies of the Final EIR to the State Clearinghouse, local agencies and other interested parties providing opportunity for their review of the document prior to approval of the project; and

WHEREAS, the draft and final EIR concerning the proposed South Moreno Valley Walmart project were prepared in sufficient detail and duly circulated in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Moreno Valley Rules and Procedures to Implement CEQA; and

WHEREAS, the Final EIR includes a review of potential impacts associated with the implementation of the South Moreno Valley Walmart project, including, but not limited to Traffic and Circulation, Air Quality, Noise, Hydrology and Water Quality, Geology and Soils, Biological Resources, and Cultural Resources; and

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR will be monitored and implemented through project completion; and

WHEREAS, after careful consideration of the those environmental risks identified that even after application of feasible mitigation would remain unavoidable, the economic, legal, social, technological and other community benefits that are expected to result from development of the project have been determined by the Planning Commission, as the decision making body for the project, to outweigh the unavoidable adverse environmental effects, as articulated in the Facts, Findings and Statement of Overriding Considerations prepared for the project; and

WHEREAS, A Final EIR, (including the Draft EIR, and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project; and

WHEREAS, on October 8, 2015, the Planning Commission conducted a public hearing to consider the Final EIR for the proposed project; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on October 8, 2015, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby finds as follows:

1. **Independent Judgment and Analysis** – The Final Environmental Impact Report represents the City's independent judgment and analysis.

FACT: The City acting in its capacity as the Lead Agency for the document has subjected the draft environmental document, including but not limited to, its project description, objectives, technical studies, exhibits, revisions, response to comments, and recommended mitigation to the lead agency's own review and analysis and the document as completed reflects the independent judgment of the lead agency. Furthermore, City staff has participated in and provided necessary insights and direction at scoping sessions and other pertinent meetings with the public and interested parties throughout the preparation of the document. A public hearing was conducted by the Planning Commission on October 8, 2015, during which opportunity was given to the public and other interested agencies and parties to address the adequacy of the Final Environmental Impact Report. All comments on the Final EIR raised during the public and agency comment period and at the Public Hearing on the project were considered by City staff and the Planning Commission prior to action being taken on the project

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2015-26, and thereby:

1. **CERTIFIES** that the Final Environmental Impact Report (EIR) for the South Moreno Valley Walmart project on file with the Community Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the Planning Commission reviewed and considered the information contained in the Final EIR and that the Final EIR reflects the City's independent judgment and analysis; and
2. **ADOPTS** the Facts, Findings and Statement of Overriding Considerations regarding the Final EIR for the South Moreno Valley Walmart project, attached hereto as Exhibit A; and
3. **APPROVES** the Mitigation Monitoring Program for the Final EIR for the proposed South Moreno Valley Walmart project, attached hereto as Exhibit B.

APPROVED this 8th day of October, 2015.

Brian Lowell
Chair, Planning Commission

ATTEST:

Richard J. Sandzimier, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

Attachments A and B

CEQA FINDINGS**CITY OF MORENO VALLEY, CALIFORNIA**

Findings Related to the Environmental Impact Report
for the South Moreno Valley Walmart Project
(SCH#2014031078) in Compliance with the
California Environmental Quality Act (“CEQA”).

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**Facts, Findings and Statement of Overriding
Considerations**

**Regarding the Environmental Effects from Approval of
the**

**South Moreno Valley Walmart Project in the
City of Moreno Valley, Riverside County, California**

(State Clearinghouse No. 2014031078)

I. INTRODUCTION

The City of Moreno Valley (the “City”), in approving the South Moreno Valley Walmart Project (the “Project”), which requires approval of a number of discretionary approvals as discussed within the Project Summary, makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The South Moreno Valley Walmart Project Draft Environmental Impact Report (herein referred to as the Environmental Impact Report “Draft EIR” or “DEIR”) was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act (“CEQA”). Hereafter, the Notice of Preparation, Notice of Availability, Notice of Completion, the Draft EIR (circulated from April 20, 2015 through June 4, 2015), Technical Studies attached as Appendices to the Draft EIR, the Final EIR, containing Responses to Comments and textual revisions to the Draft EIR, and the Mitigation Monitoring and Reporting Program will be referred to collectively herein as the “EIR”. These Findings are based on the entire record before the City, including the EIR. The City adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by the City.

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

1. Site Location and Existing Conditions

The Project is within the southeastern portion of the City of Moreno Valley, in Riverside County. The site is a triangular-shaped parcel located at the intersection of Perris Boulevard and Gentian Avenue. Specifically, Gentian Avenue forms the site’s northern boundary. The site is bordered to the east by Perris Boulevard and the California Aqueduct forms the site’s westerly boundary. Santiago Drive borders the site to the south. (South Moreno Valley Walmart Project Draft Environmental Impact Report (“DEIR”), p. 3-1)

The Project site is currently vacant and undeveloped. The site is generally flat. Elevations within the Project site generally range from 1,509 feet above mean sea level (MSL) in the southeastern portions of the site, and slope gently upwards to approximately 1,519 feet MSL in the northwestern portions of the site. The site is otherwise devoid of

notable topographic features or substantial terrain differentials. (DEIR, p. 3-3) The site has been regularly disked and contains worn trails created from foot traffic and other vehicle use. Although no special status plant species are known to exist on the site, two special status wildlife species, California horned lark (*Eremophila alpestris actia*) and burrowing owl (*Athene cunicularia*), have been observed onsite. (DEIR, p. 3-3) Mitigation is incorporated in the EIR that would reduce potential impacts to both species to levels that are less-than-significant. (DEIR, p. 3-3) Surrounding uses include existing residential development, vacant lands proposed to be developed with residential uses, other vacant lands, a City maintenance yard, and commercial uses. Properties to the north, across Gentian Avenue, are currently vacant but are slated for residential development. Across Perris Boulevard to the east, there are residential uses and a City maintenance yard. Vacant land, sparse residential uses, and a Home Depot are located to the south of the site. Properties to the west are currently vacant. (DEIR, p. 3-6) The land use designation and zoning designations for the Project site are “Commercial” and “Community Commercial,” respectively. (DEIR, p. 3-6) The uses proposed by the Project are consistent with the existing “Commercial” and “Community Commercial” designations. (DEIR, p. 4.1-37)

2. Project Description

The Project site would be subdivided into two commercial parcels (Parcels 1 and 2). Parcel 1 would be developed with the Walmart store and a stormwater detention basin. Parcel 2 would be developed with either a commercial gas station, including a convenience store and car wash, or an approximately 3,500 square foot fast food w/ drive-through restaurant, plus 3,300 square feet of retail shops. (DEIR, pp. 3-9 to 3-10) In addition, approximately 0.85 acres located in the northwesterly corner of the Project site would be allocated for park dedication. Finally, the remainder of the Project site (approximately 1.18 acres) would comprise necessary right-of-way dedications. (DEIR, p. 3-11)

The scope of development and mix of uses proposed by the Project will include a Walmart store of up to 185,761 square feet, and would incorporate all appurtenant structures and facilities, including truck docks and loading facilities, outdoor sale facilities, outside container storage facilities, trash compaction, organic waste, recycling, and bale and pallet storage, rooftop proprietary satellite communication facilities and parking facilities. (DEIR, p. 3-9) In an effort to offer maximum convenience to area shoppers, it is anticipated that the Walmart would operate the store 24-hours a day. (DEIR, p. 3-9) The store will offer a complete array of groceries, including alcoholic beverages, and general merchandise to local shoppers. The Walmart store is expected to have a full pharmacy (possibly with a drive thru) and a garden center, a potential vision and hearing care center, medical clinic, a photo studio and photo finishing center, a banking center, and other similar accessory uses. (DEIR, p. 3-9) Walmart will be engaged in the sale of merchandise that includes, without limitation, alcohol for offsite consumption, pool chemicals, petroleum products, pesticides, paint products, and ammunition. (DEIR, p. 3-9)

The onsite stormwater detention basin would be located at the southwesterly corner of Parcel 1. Onsite stormwater runoff would be directed to this detention basin via a system of underground pipes and catch basins that would control the release of storm waters and would serve as a stormwater treatment component to preclude or substantively reduce the potential for discharge of stormwater pollutants from the Project site. (DEIR, p. 3-10)

Parcel 2, which is approximately 1.0 acres in size, would be developed under one of two potential Development Options. Under Development Option “A,” Parcel 2 would be developed with a commercial gas station, convenience store, and car wash. Under Development Option “B,” Parcel 2 would be developed with a fast food w/ drive-through restaurant of approximately 3,500 square feet, plus 3,300 square feet of retail shops. (DEIR, p. 3-10)

See the DEIR’S Table 3.4-1 for a summary of the development concepts proposed by the Project and Figure 3.4-1 for the Project’s Site Plan Concept and the associated project description for greater detail.

3. Actions Covered by the EIR

The EIR supports the following discretionary approvals:

- Approval of a Tentative Parcel Map to divide the single parcel into two parcels
- Plot Plan Review and Approval to include Project design and architectural reviews; and review and approval of the Walmart pharmacy and alcohol sales as ancillary uses;
- Approval of Conditional Use Permits (CUPs) as follows:
 - Parcel 2 Development Option A would implement a fueling station, alcohol sales for offsite consumption, and a drive-through car wash; all of which would require a CUP.
 - Parcel 2 Development Option B includes a fast food with drive-through restaurant, and retail shops. The proposed fast food with drive-through restaurant would require a CUP.
- Additionally, the Project would require a number of non-discretionary construction, grading, drainage and encroachment permits from the City to allow implementation of the Project facilities.

(DEIR, p. 3-35)

B. PROJECT GOALS AND OBJECTIVES

The Project goals and objectives include the following:

- To capitalize on the site’s location proximate to Perris Boulevard and its connection to local and regional transportation systems;
- To create a complementary mix of commercial/retail uses;
- To take advantage of available infrastructure; enhance and improve local infrastructure systems to the benefit of the Project and surrounding areas; and to maximize access opportunities for the convenience of patrons;
- To provide a commercial/retail development that meets the current unmet demand for goods and services from consumers residing in the trade area and future residential developments;
- To provide a commercial/retail shopping center that serves the local market area and beyond, and to attract new customers and retailers into the City of Moreno Valley;
- To provide goods and services at a local site, thereby reducing the number of trips currently being made to shop for these same goods and services at greater distances outside the City of Moreno Valley;
- To provide a convenient source of grocery and food items to serve the local community;
- To provide convenience-oriented retail sale of food, beverage, and related products and convenience-oriented services to the currently underserved area;
- Improve and maximize economic viability of the currently vacant and underutilized Project site and area through the establishment of a new commercial center;
- Maximize and broaden the City’s sales tax base by providing local and regional tax-generating uses and by increasing property tax revenues;
- Expand and provide new retail options, with updated, modern and energy efficient buildings, proximate to local consumers by providing daytime and nighttime shopping opportunities in a safe and secure environment;
- Create additional employment-generating opportunities for the citizens of Moreno Valley and surrounding communities.

(DEIR, pp. 3-33 to 3-34)

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City conducted an extensive review of this Project which included a Draft EIR and a Final EIR, including technical reports, along with a public review and comment period. On April 18, 2014, the City circulated an Initial Study (“IS”) and related EIR Notice of

Preparation (“NOP”) identifying the environmental issues to be analyzed in the Project’s EIR to the State Clearinghouse, responsible agencies, and other interested parties. The State Clearinghouse established the comment period for the IS and NOP as April 18, 2014 through May 19, 2014. The IS, NOP and responses received pursuant to distribution of the IS/NOP are presented in Appendix A of the EIR. Based on the IS and responses to the NOP, the EIR focuses the analysis, aside from a summary discussion under Section 1.6 of the EIR, on the topics of: Land Use and Planning; Urban Decay; Traffic and Circulation; Air Quality; Global Climate Change and Greenhouse Gas Emissions); Noise; Hydrology and Water Quality; Geology and Soils; Biological Resources; and Cultural Resources.

The Draft EIR was circulated for public review from April 20, 2015 through June 4, 2015. The EIR was made available for public review during normal business hours both at the City of Moreno Valley located at 14177 Frederick Street, Moreno Valley, CA 92553 and the Moreno Valley City Library at 25480 Alessandro Boulevard in the City of Moreno Valley. The document was also available for review on-line via the City’s web page, <http://www.moval.org>. The Draft EIR received a number of comments, responses of which were provided in writing and incorporated within the Final EIR as Responses to Comments and textual revisions to the Draft EIR. The EIR was considered by the City of Moreno Valley Planning Commission on October 8, 2015.

IV. GENERAL FINDING ON MITIGATION MEASURES

In preparing the Conditions of Approval for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Conditions of Approval do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Conditions of Approval are intended to be identical or substantially similar to the recommended mitigation measures. Any minor revisions are to improve clarity or to better define the intended purpose of the mitigation and are not designed to substantively alter the purpose of such mitigation.

Finding:

Unless specifically stated to the contrary in these Findings, it is the City’s intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Conditions of Approval or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Conditions of Approval repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Conditions of Approval contain the final wording for the mitigation measures.

V. ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports, the EIR, written and oral testimony at public meetings or hearings, these facts, findings and statement of overriding considerations, and other information in the administrative record, serve as the basis for the City's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in the Draft and Final EIR, as well as the responses to comments from the public and from other government agencies on the Draft EIR which are provided in the Final EIR.

The EIR evaluated ten major environmental categories for potential impacts including: Land Use and Planning; Urban Decay; Traffic and Circulation; Air Quality; Global Climate Change and Greenhouse Gas Emissions; Noise; Hydrology and Water Quality; Geology and Soils; Biological Resources; and Cultural Resources. Both Project-specific and cumulative impacts were evaluated. Of these ten major environmental categories, the City concurs with the conclusions in the EIR that the issues and sub-issues discussed in subsections A and B below are either less than significant without mitigation or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in subsection C, the City must evaluate the overriding considerations and Project benefits and balance them against the significant impacts of the proposed Project.

A. AREAS DETERMINED TO HAVE NO POTENTIALLY SIGNIFICANT IMPACTS

The following issues were determined pursuant to the IS/NOP to pose no potentially significant impacts. In the following presentation, each resource issue is identified and the potential for significant adverse environmental effects is discussed. In addition, while not included in detail here, the Draft EIR included the Initial Study (IS) and a summary discussion of environmental issues that were determined during the IS process to pose no potentially significant impacts and therefore did not warrant additional discussion within the Draft EIR. For a discussion of these impacts, see the IS appendices within the Draft EIR as well as pages 1-9 through 1-24 of the Executive Summary. In addition, a summary discussion of those impacts is provided below.

1. Aesthetics

The IS determined that there are no designated scenic resources or substantial natural features, nor are there any historic resources, State scenic highways, or other notable visual resources on the Project site. The Project site is located in an urbanized area. Transition of the site from its current state to the commercial/retail uses proposed under the Project would tend to improve the visual character and quality of the site by improving undeveloped and underutilized areas consistent with the City General Plan. Preliminary concepts for the Project reflect contemporary commercial architectural designs, which will conform to the City's zoning and design standards, and are subject to City review and approval. At a minimum, the Project's building and landscape design

will conform to the General Plan goals and policies. All Project lighting will comply with City requirements to illuminate the site without causing undue light or glare, or compromising views. The Project will further comply with any enhanced landscape design and architectural solutions that may be specified by City staff and incorporated as Project Conditions of Approval (COA). The City's established development review procedures will act to ensure conformance of final Project designs with applicable design guidelines and principles, ensuring that the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings is less-than-significant. (DEIR, pp. 1-10 to 1-11)

As supported by the discussions in the IS and DEIR, the Project would have less-than-significant impacts for the following aesthetic considerations:

- Substantial adverse effects on a scenic vista;
- Substantial damage to scenic resources, including, but not limited to, trees, rocks, outcroppings, and historic buildings within a state scenic highway;
- Substantial degradation of the existing visual character or quality of the site and its surroundings; and
- Creation of a new source of substantial light or glare, which would adversely affect the day or nighttime views in the area. (DEIR, pp. 1-10 to 1-11)

2. Agriculture and Forest Resources

The Project site does not have any active or recent agricultural uses, and the Project site and the surrounding areas are not designated as farmland of local, regional or statewide importance; nor are any portions of the Project site subject to, or otherwise affected by, Williamson Act contracts. Further, there are no lands within the City of Moreno Valley that qualify, or are designated, as forest land or timberland. (DEIR, pp. 1-11 to 1-12)

As such, the Project will have no impact on agriculture or forest resources for the following considerations:

- Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; and
- Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production;
- Result in the loss of forest land or conversion of forest land to non-forest use; or
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. (DEIR, pp. 1-11 to 1-12)

3. Biological Resources

The Project does not propose actions or uses that would conflict with any local policies or ordinances protecting biological resources. (DEIR, p. 1-12)

On this basis, the Project would have a less-than-significant impact in regard to the following considerations:

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. (DEIR, p. 1-12)

All other CEQA topics concerning the Project's impacts to biological resources are addressed in the EIR. (DEIR, p. 1-12.)

4. Cultural Resources

There are no known historic, archaeological, or paleontological resources located within the Project site, nor would the Project affect any known offsite resources of historical, archaeological, or paleontological significance. Moreover, historic and current disturbance of the subject site indicates that whatever resources may have been previously present, have likely since been disturbed and/or removed. As required by Health and Safety Code Section 7050.5, should human remains be found, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are found to be prehistoric, the coroner would coordinate with the California Native American Heritage Commission as required by state law. (DEIR, pp. 1-12 to 1-13)

As such, the Project would have a less-than-significant impact for the following cultural resources consideration:

- Disturbance of any human remains, including those interred outside of formal cemeteries. (DEIR, pp. 1-12 to 1-13)

The Initial Study prepared for the Project determined that historic, archaeological, or paleontological resources may be present onsite in a buried context, and could be disturbed during new development activities proposed by the Project. Potential impacts to historic, archaeological, or paleontological resources are addressed at EIR Section 4.10, Cultural Resources. (DEIR, p. 1-13)

5. Geology and Soils

The Project site is located in a region known to be seismically active, and seismic ground-shaking may be expected during an earthquake. However, the subject property is not located within an Alquist-Priolo Earthquake Fault Zone, and there are no known or suspected faults or fault traces within the site. As implemented through the City's standard review and approval processes, a site and use-specific geotechnical study has been prepared for the Project, subject to review and approval by the City Engineer. In general, the geotechnical study addresses and reflects California Building Code design, engineering and construction requirements that act to minimize the effects of earthquakes

and other geologic or soils conditions on structures. The Project would comply with the approved geotechnical study pursuant to City development permit review processes. On this basis, the Initial Study found that the Project's potential to expose people or structures to potential substantial adverse effects involving the rupture of a known earthquake fault would be less-than-significant.

Additionally, the Project site evidences no substantive internal elevation differences and, as such, is not internally susceptible to landsliding. As such, the Initial Study found that no impact would result from exposure to landslides. The Project's potential to result in substantial soil erosion or the loss of topsoil was found to be less-than-significant, since potential erosion impacts incurred during construction activities are successfully mitigated through compliance with a Project's mandated Storm Water Pollution Prevention Plan (SWPPP). Further, the Project site is already connected to the existing municipal sewer system, and does not propose the use of septic tanks or alternative wastewater disposal systems. On this basis, no impact was identified in regard to the capability of local soils to support the use of septic tanks. (DEIR, pp. 1-13 to 1-14)

Based on the preceding, the Project would result in less-than-significant impacts, or have no impact, for the following geology and soils considerations:

- Exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure; or landslides;
- Substantial soil erosion or the loss of topsoil; or
- Soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. (DEIR, p. 1-14)

The Initial Study prepared for the Project determined that there was the potential for the Project to be adversely affected by liquefaction hazards and/or unstable underlying soils conditions. These concerns are addressed at EIR Section 4.6, Geology and Soils. (DEIR, p. 1-14)

6. Hazards and Hazardous Materials

During the normal course of construction activities, there will be limited transport of potentially hazardous materials (e.g., gasoline, diesel fuel, paints, solvents, fertilizer, etc.) to and from the Project site. The Project does not otherwise propose the handling, uses or activities that would require atypical transportation, use, storage, or disposal of hazardous or potentially hazardous materials not addressed under current regulations and policies the handling of hazardous materials; nor does the Project propose the use of any acutely hazardous materials anticipated. The transport, use, storage and disposal of all hazardous materials are required to meet City Hazardous Materials Management Plans. Mandated compliance with existing regulations, as identified above, also reduces the potential for

risk of accidental explosion or release of hazardous substances. Impacts in this regard are considered less-than-significant. (DEIR, p. 1-15)

March Middle School and Rainbow Ridge Elementary School are located less than 1,000 feet southwesterly of the Project site. However, the Project proposes conventional commercial/retail uses, and does not include elements or aspects that will create or otherwise result in hazardous emissions, and does not propose or require substantive handling of hazardous or acutely hazardous materials, substances, or waste. Pre-packaged materials such as paint, solvents, glues, fertilizers, either sold by the Project retail uses or used during construction and maintenance are subject to extensive local, State, and federal regulations, and are not considered sources of potentially significant hazardous materials or hazardous emissions. (DEIR, p. 1-15)

The Project site is located approximately 1 mile easterly of March Air Reserve Base. The Project site is located outside any identified airport hazard areas. Additionally, the single-story, commercial use is in compliance with all Federal Aviation Administration (FAA) regulations for land uses in the vicinity of an airport, such as height restrictions, noise abatement, and lighting restrictions. As such, the Project's potential to result in aircraft-related safety hazards for future occupants of the site is considered less-than-significant. Moreover, it is noted that the Project does not propose activities or uses that would otherwise affect airports or airport operations. (DEIR, pp. 1-15 to 1-16)

The Project does not propose or require designs or activities that would interfere with any identified emergency response or emergency evacuation plan. Emergency procedures or design features required by County, State and Federal guidelines will be implemented during construction and during operation of the Project. In compliance with City and County policies, coordination with the local fire and police departments during construction will ensure that potential interference with emergency response and evacuation efforts are avoided. (DEIR, p. 1-16)

Finally, the Project site is located in an urbanized area, with no proximate wildlands. Moreover, the Project site and surrounding areas are currently provided fire protection and emergency response services by the Moreno Valley Fire Department. Development fees and taxes paid by the Project act to offset its incremental demands for fire protection services. The potential for the Project to expose people or structures to a significant risk of loss, injury or death involving wildland fires is considered to be less-than-significant. (DEIR, p. 1-16)

Based on the preceding, the Project would have no impacts or less-than-significant impacts under the following hazards/hazardous materials considerations:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;

- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for the people residing or working in the project area;
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for the people residing or working in the project area;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. (DEIR, pp. 1-16 to 1-17)

The Project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The Phase I Environmental Site Assessment did, however, identify the potential use of herbicides, pesticides, and fertilizers as a Recognized Environmental Condition (REC) for the site given the prior use for agricultural purposes. Mitigation was identified in the Project's Initial Study (included in Draft EIR Appendix A) to address the potential presence of herbicides, pesticides, or fertilizers. This mitigation measure (identified as HA-1) has been carried forward as part of the Draft EIR. (DEIR, p. 1-17)

HA-1 Any soils to be disposed of off-site shall be sampled prior to their transport from the Project site. Soils transported off-site for disposal shall be sampled for contamination of herbicides, pesticides, and fertilizers consistent with a soil management plan to be prepared for this Project. Sample results may provide an indication as to the presence of chemicals of concern which require special handling during disposal. Any additional impacted soil identified during site work, shall be removed and additional confirmatory sampling shall be conducted until non-actionable levels of pesticides are found. (DEIR, pp. 1-80 to 1-81)

7. Hydrology and Water Quality

The Project site does not lie within an identified 100-year flood hazard zone, nor is housing proposed as part of the Project. In addition, the Project site is not located near bodies of water or water storage facilities that would be susceptible to seiche; or proximate to coastal waters that could result in tsunami hazards. Further, the Project would be provided water service by the Eastern Municipal Water District (EMWD) water system, and does not propose or require direct groundwater withdrawals or otherwise interfere with or affect groundwater recharge. Project development concepts do not involve substructures or underground activities that would significantly impair or alter the direction or rate of flow of groundwater. Based on the Project's design, which involves the conveyance of storm water via controlled on- and off-site drainage systems, the Project's potential to expose people or structures to a significant risk of loss, injury or death involving flooding; or to substantially increase the flow velocity or volume of stormwater runoff to cause erosion or habitat impacts within the project site or downstream would be less-than significant. (DEIR, pp. 1-17 to 1-18)

Based on the preceding discussion, the Project would result in less-than-significant impacts, or have no impact for the following hydrology and water quality considerations:

- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of the pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);
- Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- Place within a 100-year flood hazard area structures which would impede or redirect flood flows;
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or
- Inundation by seiche, tsunami, or mudflow. (DEIR, pp. 1-18 to 1-19)

8. Land Use

The Project site is located within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) area. The Project will be implemented consistent with the requirements of the MSHCP. The Project's potential to conflict with any applicable habitat or natural communities conservation plan is considered less-than-significant. (DEIR, p. 1-19)

Accordingly, the Project would have less-than-significant impacts for the following land use consideration:

- Conflict with any applicable habitat conservation plan or natural communities conservation plan. (DEIR, p. 1-19)

9. Mineral Resources

There are no mineral resources known to exist within the Project site that would be of value to the region and the residents of the state.

As such, the Project would result in no impacts for the following mineral resources considerations:

- Loss of availability of a known mineral resource that would be of value to the region and to the residents of the state; and
- Loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. (DEIR, p. 1-19)

10. Noise

The Project site is located approximately 1 mile easterly of March Air Reserve Base. As indicated within the Air Installation Compatible Use Zone Study for March Air Reserve Base, the site is located well beyond the airport's 60 CNEL noise contour. Therefore, the

Project's potential to cause an exposure of future occupants of the Project site to aircraft-related noise is considered less-than-significant.

As such, the Project would have less-than-significant impacts for the following potential noise impact considerations:

- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels; and
- For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels. (DEIR, p. 1-20)

11. Population and Housing

Construction of new housing is not a component proposed by the Project. Therefore, the Project will not contribute directly to population growth through the creation of new residences. Temporary construction jobs or long-term employment opportunities created by operations of the commercial/retail business may incidentally contribute to nominal population growth. Project-related employment demands would likely be filled by the existing personnel pool within the City and neighboring communities. As such, the Project is not expected to have a significant impact on area population growth or related housing needs. The Project is proposed for construction on a currently vacant site; thus, it does not involve or propose the displacement of any onsite or offsite housing stock. (DEIR, pp. 1-20 to 1-21)

Based on the preceding, the Project would have no or less-than-significant impacts for the following population and housing considerations:

- Induce substantial population growth in the area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension of roads or other infrastructure);
- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; and
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. (DEIR, pp. 1-20 to 1-21)

12. Public Services, Recreation

Employment opportunities created by the Project may result in increased secondary impacts to school and park facilities. Increased student population could result from requests for Intra-District Transfers from employees of the Project wanting to enroll their children in schools closer to their place of employment. Yet any impacts from such school transfers would be minimal. The Project does not propose elements (e.g., residential development) that would result in substantial increased demands for neighborhood or regional parks or other recreational facilities. Secondary impacts to park facilities from commercial development would be the occasional use of a proximate park during a lunch or dinner break. Similarly, the secondary impacts to library facilities from commercial development would be the occasional use of a proximate library during a lunch or dinner break. The Project will pay required school impact fees, and will not

contribute substantially to the resident population base using school and/or park facilities. The potential for the Project to result in increased demands on school facilities, parks or other public facilities were determined to be less-than-significant. (DEIR, pp. 1-21 to 1-22)

Based on the preceding, the Project would have less-than-significant or no impacts for the following public services and recreation considerations:

- Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, or other public facilities;
- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration of the facility would occur or be accelerated; or
- Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. (DEIR, p. 1-22)

13. Transportation/Traffic

The Project does not propose elements or aspects that would affect air traffic patterns, as the Project is located outside any identified airport hazard areas and the single-story commercial use is in compliance with all regulations for land uses in the vicinity of an airport. Further, the Project does not present elements or aspects that would conflict with adopted alternative transportation policies. As part of the City's standard development review process, the need for transit-related facilities, including but not limited to bus shelters and bicycle parking, will be coordinated between the City and the Project Applicant, with input from transit providers as applicable. On a long-term basis, the Project may result in increased demand for public transportation; however, existing transit service is available within the Project area and transit agencies routinely review and adjust their ridership schedules to accommodate public demand. (DEIR, pp. 1-22 to 1-23)

On this basis, the Project would have less-than-significant impacts for the following potential transportation considerations:

- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; or
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. (DEIR, p. 23)

14. Utilities and Service Systems

All necessary public services, infrastructure systems, and utilities are currently available to the Project site. No major new infrastructure or utilities improvements are proposed

by the Project, nor are any required. The Project will implement necessary utilities improvements to include connections to existing services, and/or necessary realignment or modification of existing service lines. All connections to, and modification of, utilities necessary to serve the Project will be accomplished consistent with City and purveyor requirements. (DEIR, p. 1-23)

As discussed in the Initial Study, the Project would have less-than-significant impacts in regard to the following considerations:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed;
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs; and
- Comply with federal, state, and local statutes and regulations related to solid waste. (DEIR, pp. 1-23 to 1-24)

B. IMPACTS IDENTIFIED AS LESS THAN SIGNIFICANT REQUIRING NO MITIGATION

1. Land Use and Planning

a) Physically Divide an Established Community

Potential Impact: Whether implementation of the proposed Project could physically divide an established community.

Finding: Potential impacts of the Project on Land Use and Planning are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, the City finds no significant impact related to the physical division of an established community and, therefore, no mitigation is required. (DEIR, pp. 4.1-19 to 4.1-20)

Facts in Support of the Finding: No established communities exist on the Project site. Moreover, the Project does not propose elements or aspects that would otherwise physically divide an established community. The Project's site plan and design concepts reflect commercial/retail land uses and development allowed under the site's current General Plan Commercial (C) Land Use designation and current Community Commercial (CC) Zoning Designation. The Project does not propose or require any change in the

site's current land use designations that would directly or indirectly physically divide an established community. (DEIR, p. 4.1-20)

Implementation and operation of the Project would therefore not physically divide an established community. Please refer also to the subsequent discussions of Project consistency with applicable General Plan Community Development Element Goals, Objectives, and Policies; and consistency with applicable Community Commercial Zone District development standards. (DEIR, p. 4.1-20)

b) Consistency with Land Use Plans, Policies, or Regulations

Potential Impact: Whether the implementation of the proposed project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Finding: Potential impacts of the Project on Land Use and Planning are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, the City finds that the potential for the Project to conflict with any applicable land use plan, policy, or regulations that were adopted for the purpose of avoiding or mitigating an environmental effect is less-than-significant. No mitigation is required. (DEIR, pp. 4.1-20 to 4.1-21)

Facts in Support of the Finding: The Project is subject to land use plans, policies, guidelines, and regulations as established by the City of Moreno Valley. Germane to the Project, these include the City General Plan Goals, Objectives, and Policies; and CC Zone District Regulations and Development Standards. In summary, the Walmart Store and freestanding retail/commercial pad proposed by the Project are allowed under the site's current Commercial (C) Land Use designation. Current zoning of the Project site is "Community Commercial" (CC). The CC Zone District permits or conditionally permits the commercial/retail uses that would be implemented under the Project. As summarized at Table 4.1-2 in the DEIR, the Project is consistent with, and appropriately responds, to Community Development Goals, Objectives, and Policies articulated in the City General Plan. Substantiation of Project conformity with applicable Community Commercial (CC) Zone District Regulations and Development Standards is presented in Table 4.1-3 in the DEIR. (DEIR, pp. 4.1-20 to 4.1-37)

As outlined in the DEIR, the Project commercial/retail land uses, site plan concept, and building designs reflect, and/or can be feasibly implemented consistent with applicable provisions of the City General Plan Commercial Land Use, Community Commercial Zone District, and City Municipal Code. Prior to issuance of building permits, the City would review the final Project site plan and facilities designs to ensure consistency with applicable standards, design guidelines, and requirements. Based on the analysis included in the DEIR, the potential for the Project to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project is therefore considered less-than-significant. (DEIR, pp. 4.1-20 to 4.1-37)

c) Cumulative Impacts – General Plan and Zoning Considerations

Potential Impact: Whether implementation of the proposed Project could contribute to potential cumulative land use impacts related to General Plan and Zoning consistency.

Finding: Potential impacts of the Project on Land Use and Planning are discussed in detail in Section 4.1 of the Draft EIR. Furthermore, Section 5.1.1.1 of the Draft EIR assesses cumulative impacts related to Land Use and Planning in particular. Based on the entire record before us, the City finds that the Project’s contributions to potential cumulative land use impacts related to General Plan and Zoning consistency is not considerable, and the cumulative effects of the Project are determined to be less-than-significant and, therefore, no mitigation is required. (DEIR, pp. 5-4 to 5-5)

Facts in Support of the Finding: In regards to the General Plan, the Project site’s current General Plan Land Use designation is “Commercial” (C), and the commercial/retail uses proposed by the Project are allowed under the site’s Commercial General Plan Land Use designation. Further, the Project proposes to develop approximately 185,761 square feet on approximately 20.25 net acres, yielding a FAR of approximately 0.21, which would not exceed the Commercial Land Use maximum allowable FAR of 1.00. Moreover, the current zoning of the Project site is “Community Commercial” (CC). Uses and development proposed by the Project conform to and support the Community Commercial Zone district’s intent to provide for the general shopping needs of area residents and workers with a variety of business, retail, personal and related or similar services. Please refer also to the discussion of the General Plan consistency and Zoning consistency presented in DEIR Section 4.1, Land Use and Planning. (DEIR, pp. 5-4 to 5-5)

Therefore, the Project uses and operations would conform to all governing land use plans, regulations and development standards. The Project’s contributions to potential cumulative land use impacts related to General Plan and Zoning consistency is not considerable, and the cumulative effects of the Project are determined to be less-than-significant. (DEIR, p. 5-5.)

2. Urban Decay

a) Economic Effects and Potential Urban Decay

Potential Impact: Whether implementation of the proposed Project could result in adverse physical changes or impacts due to the Project’s economic effects.

Finding: Potential impacts of the Project on Urban Decay are discussed in detail in Section 4.2 of the Draft EIR. Based on the entire record before us, the City finds that the potential for the Project to result in or cause urban decay is less-than-significant and, therefore, no mitigation is required. (DEIR, pp. 4.2-1 to 4.2-25; FEIR, pp. 3-103 to 3-112)

Facts in Support of the Finding: To assess the Project’s potential to result in adverse physical impacts on the environment by causing “urban decay” a Project-specific impact

analysis, entitled Urban Decay Study for Moreno Valley Walmart (“Urban Decay Study”) was prepared by The Natelson Dale Group, Inc. in October 28, 2013. The Project Urban Decay Study was prepared to assess the Project’s potential to result in adverse physical impacts, i.e., urban decay. (DEIR, p. 4.2) The Project Urban Decay Study is presented in its entirety in Draft EIR Appendix B. (DEIR, p. 4.2-2)

CEQA specifically states that economic or social effects of a project shall not be treated as significant impacts on the environment. However, adverse physical changes that could indirectly result from economic or social effects of projects are within the scope of CEQA considerations. (DEIR, p. 4.2-2) A project may result in a significant urban decay impact if the project results in a diversion of sales from existing competitive retailers at such a magnitude that the project either independently, or in conjunction with other past, present, and reasonably foreseeable future projects, could substantively contribute to the downward spiral of retail store closures and long-term vacancies. (DEIR, p. 4.2-1)

The Project Urban Decay Study considers potential competitive economic effects of the Project within a Trade Area that includes portions of the cities of Moreno Valley, Perris, and Riverside, in addition to an adjacent unincorporated area in Riverside County. The Study projects total resident purchasing power (market demand) within the Trade Area, and uses this projection of total demand as the basis for determining the extent to which the Project could be supported without adversely affecting existing businesses, and thereby result in or cause potential business closures, long-term vacancies and related urban decay impacts. For non-grocery retail categories, potential impacts are expressed in terms of the square feet of existing businesses that could potentially be displaced by the Project. For the grocery category, in addition to evaluating the potential square footage displacement, the Study evaluates direct potential sales impacts (in terms of dollars per square foot) to existing supermarkets in the Trade Area. (DEIR, p. 4.2-3)

“Big box” retail facilities, such as the Walmart Store proposed by the Project, generally fall within the definition of a community shopping center (which, in the hierarchy of retail facilities, are typically larger than neighborhood shopping centers and smaller than regional/superregional shopping malls). The International Council of Shopping Centers (ICSC) indicates that a community center similar in scale and scope to the Project would typically have a Trade Area of three to six miles. Notwithstanding, to be analytically conservative, the Project Urban Decay Study evaluates a smaller Trade Area than the three to six mile radius recommended by the ICSC. The smaller Trade Area evaluated in the Project Urban Decay Study excludes potential demand from some residents that may patronize the Project, and thereby provides a reduced rather than inflated estimate of the Trade Area’s potential retail demand that would be available to support the Project. (For specific information regarding the Trade Areas Boundaries, see page 4.5-5 and Figure 4.2-1 of the Draft EIR.) (DEIR, pp. 4.2-4 to 4.2-6)

Within the Trade Area, commercial/retail space categories that could be affected by market impacts of the Project were identified and inventoried. Inventoried space summaries are provided below. Inventoried categories include: 1) General Merchandise, Apparel, Furniture, and Other/Specialty (GAFO) Retail Space; 2) Supermarkets; and 3) Commercial Gasoline Service Stations. (DEIR, p. 4.2-7) Total retail/services space in

the Trade Area is estimated at approximately 2.25 million square feet, of which approximately 507,019 square feet is classified as GAFO retail space. GAFO retail space within the Trade Area could be subject to potential competitive market effects of the Project. (DEIR, p. 4.2-8) The overall retail vacancy rate in the Trade Area is estimated at 10.8%, which is at the high end of the range (5% to 10%) generally considered to be reflective of a healthy retail market. However, this vacancy rate is in line with the current (3rd Quarter, 2013) 10.5% national vacancy rate for strip, neighborhood and community shopping centers. Two of the inventoried Trade Area shopping centers exhibit relatively high vacancy rates. Specifically, the Bear Valley Shopping Center (approximately 89,500 sq. ft.) has a 46% vacancy rate, and the Sunnymead Village Shopping Center (approximately 146,000 sq. ft.) has an estimated 26% vacancy rate. (DEIR, p. 4.2-8) Despite these vacancy rates, none of the buildings in the identified shopping centers currently exhibit urban decay conditions, nor do the buildings or their surroundings exhibited signs of significant deterioration or significant indications of deferred maintenance. Rather, property owners are currently actively marketing all of these vacant spaces, which provides a strong indication that the property owners consider these centers to be fully viable properties. (DEIR, pp. 4.2-8 to 4.2-9) The Project Urban Decay Study demand analysis indicates there is existing (year 2013) market support for \$222.4 million in GAFO retail sales in the Trade Area. The \$222.4 million in market demand translates to approximately 889,677 square feet of GAFO retail space that could be currently supported in the Trade Area. The Project Urban Decay Study demand analysis therefore indicates that the Trade Area, which at present includes 507,019 square feet of GAFO space, could currently support approximately 382,658 square feet of additional GAFO space over and above the existing inventory. (DEIR, p. 4.2-9)

The Trade Area currently evidences ten supermarkets totaling approximately 410,830 square feet. The Project Urban Decay Study demand analysis indicates that there is sufficient base year (2013) demand to support average supermarket sales volumes in the Trade Area of \$436 per square foot at all ten existing supermarkets. In comparison, the industry median for supermarkets is approximately \$473 per square foot nationally and \$418 per square foot within the Western United States. The Study therefore indicates that, on average, supermarkets in the Trade Area currently have the potential to generate sales volumes which are above the Western regional median, but below the national median. (DEIR, pp. 4.2-9 to 4.2-10) Finally, the Project Urban Decay Study indicates that existing (2013) Trade Area gasoline sales totaled approximately \$150,428,000. And that on average, a commercial gasoline fueling station in California currently generates approximately \$5.5 million in annual sales. On a mathematical basis, assuming average sales per station of \$5.5 million, the estimated \$150,428,000 in gasoline sales generated by the Trade Area could support approximately 27 commercial gasoline fueling stations. (DEIR, pp. 4.2-10 to 4.2-11)

In regards to Retail Demand, the Project Urban Decay Study considers the total resident “purchasing power” of the Trade Area, and uses this projection of total demand as the basis for determining the extent to which the Project could be supported in the market area without negatively impacting existing businesses. (DEIR, pp. 4.2-12 to 4.2-13) For this analysis, the Project Urban Decay Study estimate the population within the Trade Area, Trade Area per capita income, percentage of income allocated for retail spending,

and disaggregated retail spending by category. As detailed in the DEIR, there is sufficient market demand to support the Project in addition to existing competing commercial/retail uses within the Trade Area; and it is unlikely that implementation of the Project would result in closures of existing competing retail uses. (DEIR, pp. 4.2-12 to 4.2-24)

More specifically, the GAFO and fueling station space proposed by the Project would be well within the envelope of available demand for new space in these retail categories, and thus is not likely to result in the closure of existing stores or gas stations. With respect to the Food (supermarket/grocery) category, existing supermarkets in the Trade Area could experience an initial decline in sales when the Project opens. However even at their minimum, aggregate sales/square foot for existing supermarkets within the Trade Area would be maintained at 98 percent of the Western regional median sales/square foot for supermarkets; and at 87 percent of the national median sales/square foot for supermarkets, indicating that existing Trade Area supermarkets would likely maintain sales volumes approximating regional and national medians. (DEIR, pp. 4.2-24 to 4.2-25)

Moreover, the noted Western regional and national median sales figures do not represent “break-even” or subsistence thresholds for supermarkets. In this latter regard, the Project Urban Decay Study notes chain-specific supermarket sales (based on estimates provided by Trade Dimensions International, Inc.) vary widely within California, ranging from \$220 to \$809 per square foot by chain, and that for all chains combined, the median and average sales are \$385 per square foot and \$407 per square foot, respectively. Within this context, even with competitive effects of the Project, minimum supermarket sales/square foot within the Trade Area would be maintained within the range of average sales experienced at supermarkets in California. The Project Urban Decay Study concludes that although market effects of the Project would potentially represent a reduction in the potential sales volume per square foot for existing supermarkets, the estimated minimum average sales level of \$410 per square foot in year 2018 is unlikely to be low enough to cause the closure of any of the Trade Area’s existing supermarkets. The Project Urban Decay Study notes further that certain of the Trade Area supermarkets, because of their niche markets, would be less vulnerable to competitive effects of the Project, further substantiating that implementation of the Project would likely not result in the closure of existing supermarkets. (DEIR, pp. 4.2-24 to 4.2-25) In addition, the City Municipal Code provides for abatement of public nuisances (Chapter 6.04), which acts to preclude potential adverse physical effects of urban decay. (FEIR, p. 3-111)

Based on the preceding, it is unlikely that the Project would result in or cause store closures, long-term vacancies, and physical deterioration. The potential for the Project to result in or cause urban decay is therefore considered less-than-significant. (DEIR, pp. 4.2-24 to 4.2-25)

b) Cumulative Impacts – Economic Effects and Potential Urban Decay

Potential Impact: Whether implementation of the proposed Project could contribute to cumulatively adverse economic impacts, and whether the Project’s cumulative economic effects could result in adverse physical change/urban decay.

Finding: Potential impacts of the Project on Urban Decay are discussed in detail in Section 4.2 of the Draft EIR. Furthermore, Section 5.1.1.2 of the Draft EIR assesses cumulative impacts related to economic effects and potential urban decay in particular. Based on the entire record before us, the City finds cumulative impacts related to economic effects and potential urban decay are less than significant and, therefore, no mitigation is required. (DEIR, pp. 5-5 to 5-12)

Facts in Support of the Finding: The Project Urban Decay Study (See DEIR Appendix B) evaluates potential economic effects of the Project that could lead to store closures, long-term vacancies, and physical deterioration, which could constitute urban decay. The cumulative impact area for urban decay considerations is defined by the Trade Area in which the Project could have competitive economic effects, and thereby result in potential closures of businesses, long-term building vacancies; and ultimately, urban decay. (DEIR, p. 5-5)

Within the Project Urban Decay Study, economic effects of the Project are evaluated in the context of similar existing commercial/retail development and known or probable related commercial/retail projects. In this manner, incremental and cumulative economic effects of the Project and related potential for the Project to cause or result in urban decay are evaluated. (DEIR, pp. 5-5 to 5-7)

The Project Urban Decay Study evaluates potential cumulative impacts of the Project within competing non-grocery retail and grocery market categories. The Study’s conclusions regarding potential cumulative urban decay impacts within these market categories are summarized as follows.

- Cumulative Impacts – Non-Grocery Retail Space. The projected non-grocery retail space demands within the Trade Area are summarized in DEIR Table 5.1-2 for the period 2013 through 2028. As indicated, the demand for new non-grocery retail space in the Trade Area is projected to reach approximately 739,691 square feet in 2018 and 1.02 million square feet by 2028. As also indicated, even assuming completion of the Project and all related projects in the Trade Area, there would be an estimated net residual demand of 532,458 square feet for new Non-Grocery Retail Space in 2018; increasing to an estimated 811,666 square feet in 2028. Based on this residual near-term and long range demand for non-grocery retail space, it is unlikely that the cumulative effects of the Project in combination with other related projects would cause or result in closures of existing businesses or related long-term vacancies and potential urban decay. (DEIR, p. 5-7; Table 5.1-2)
- Cumulative Impacts – Commercial Gas Station Sales: On average, a commercial gasoline fueling station in California currently generates approximately \$5.5 million

in annual sales (Urban Decay Study, p. 12). DEIR Table 5.1-1 identifies an additional 12-pump fueling station approved for development in the Trade Area. The combined sales from this station and the gasoline station proposed by the Project would therefore total approximately \$11.0 million. The Trade Area's projected growth in gasoline sales demand is approximately \$11.3 million between 2013 and 2018 (Urban Decay Study, pp. 12-13). As such, in the Project's opening year (2018) there would be sufficient demand to support the estimated sales of both projects. On this basis, the cumulative impacts resulting from the Project's fueling station/convenience store, along with the proposed 12-pump fueling station listed in Table 5.1-1 would not have substantial economic effects on existing fueling stations/convenience stores in the Trade Area. It is therefore unlikely that the cumulative effects of the Project fueling station/convenience market in combination with the approved fueling station project listed at Table 5.1-1 would cause or result in closures of existing commercial gasoline service stations, or related long term vacancies and potential urban decay. (DEIR, pp. 5-8 to 5-9)

- Cumulative Impacts – Supermarket Sales: In addition to the grocery component proposed by the Project's Walmart Store, there is one additional approved (but not yet developed) supermarket store in the Trade Area. More specifically, a Winco-anchored neighborhood shopping center was previously approved for development; however, the applicant for this proposal has no established timeline for further action on the project. Notwithstanding, this related project is reflected in the cumulative analysis of supermarket impacts, given that it is an approved project and could be developed at some future date. DEIR Table 5.1-3 provides a summary of cumulative Supermarket Sales impacts within the Trade Area for the time period 2013 through 2028. Included are sales impacts resulting from the Project's proposed Walmart Store grocery component, and sales impacts that could result from the approved Winco supermarket. The cumulative sales impacts of existing supermarkets, the proposed Walmart grocery component, and the pending Winco supermarket would yield Trade Area average supermarket sales of \$333 per square foot in 2018, increasing to \$392 per square foot in 2028. (DEIR, pp. 5-9 to 5-12; Table 5.1-3)

Benchmark median supermarket sales nationally, and in the Western United States (Western Region), are estimated at \$473 per square foot and \$418 per square foot, respectively. In 2018, with opening of the Project and assumed completion of the pending Winco supermarket, supermarket sales in the Trade Area would average \$333 per square foot, or approximately 79.7 percent of the Western Regional supermarket benchmark median of \$418 per square foot. Therefore, excluding the Project whose sales are already accounted for, approximately 79.7 percent of the 505,830 square feet of the Year 2018 "Existing Planned Supermarket Space" identified at Table 5.1-3 could be supported at \$418 per square foot. If the Western Regional supermarket benchmark median was employed as a theoretic "Break-Even Threshold," then it may be possible to surmise that the Trade Area's supermarket space retail category would be overbuilt by approximately 103,000 square foot in 2018, which could result in the closure of existing supermarkets within the Trade Area. (DEIR, p. 5-10)

Although this line of analysis suggests that there could be store closures, the following factors would argue against this scenario:

- 1) **Benchmark Sales Volumes Do Not Establish or Reflect Break-Even Thresholds.** Rather, Benchmark Sales Volumes provide information regarding median sales per square foot, which by definition of the term median means that half of all supermarkets are operating below these levels. In this latter regard, it is important to note that there is significant variability in sales volumes at individual supermarkets, and evidence suggests that a number of California stores (and entire chains) are operating at well below the noted \$418 per square foot Western region median (Urban Decay Study, p. 17). Based on market research on supermarket sales discussed in the DEIR, the analysis indicates that even with cumulatively reduced sales volumes resulting from the Project and related development proposals in the Trade Area, existing Trade Area supermarkets would likely maintain sustainable operations. (DEIR, p. 5-10 to 5-11)
 - 2) **Development of Related Projects May Not Occur.** Although an approved project, there are no known plans to develop the Winco-anchored shopping center project at this time. Rather than contribute to an oversupply of supermarket space within the Trade Area, as indicated by the project's current status (on hold), a more likely cumulative scenario for this development is that its implementation (or implementation of other similar proposals) would respond more closely to demonstrated demand. Under this scenario, there is less potential for overbuilt conditions to occur in the supermarket category, and consequently a reduced potential for supermarket vacancies and resultant urban decay. (DEIR, pp. 5-11 to 5-12)
 - 3) **The Analysis Does Not Assume Trade Area Distinction.** Evaluating the aggregate square feet of supermarket space proposed in the Trade Area implicitly assumes that the pending Winco store's trade area is identical to the Trade Area of the proposed South Moreno Valley Walmart Project. However, the Winco store by virtue of its location would have its own distinct trade area. More specifically, it is anticipated that this store would draw a significant amount of market support from areas outside of the Project Trade Area, north of the Alessandro Boulevard/Cottonwood Avenue and east of Nason Street/Moreno Beach Drive. As such, the Winco project would not be limited to the same "pool" of demand identified in the Project Urban Decay Study. By accounting for the full sales impact of the Winco store within the Project Trade Area, the Winco store's contributions to cumulative sales impacts to the supermarket category have been conservatively overestimated. (DEIR, pp. 5-9 to 5-12)
- **Reuse Potentials of Existing Supermarket Buildings:** As noted above, under a conservative maximum impact scenario, closure of supermarkets in the Trade Area could potentially result from cumulative market impacts. Notwithstanding, there are viable reuse options for each of the ten existing supermarkets in the

Trade Area, indicating that regardless of which specific store(s) may be vulnerable to closure, the vacated space(s) would not likely remain untenanted in the long-term. That is, as indicated at previous Table 5.1-2, there is sufficient residual retail demand within the Trade Area to support some type of retail use of any potentially vacated supermarket(s). Accordingly, it is unlikely that even under worst-case assumptions, store closures resulting from cumulative market impacts would lead to urban decay. (DEIR, p. 5-12)

Accordingly, the DEIR concludes that the potential for the Project's cumulative economic effects to result in adverse physical change (urban decay) is determined to be less-than significant. (DEIR, p. 5-12)

3. Traffic and Circulation

a) Conflict with an Applicable Congestion Management Program or Other Standards.

Potential Impact: Whether implementation of the Project would conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

Finding: Potential impacts on Traffic and Circulation are discussed in detail in Section 4.3 of the Draft EIR. Based on the entire record before us, the City finds that the Project's impacts to congestion management program facilities are less than significant; therefore, no mitigation is required. (DEIR, p. 4.3-1 to 4.3-101)

Facts in Support of the Finding: I-215 and SR-60 are the only facilities within the Study Area that are designated Riverside County Congestion Management Plan (CMP) components. The Riverside County Transportation Commission (RCTC) has adopted LOS "E" as the minimum standard along the CMP System of Highways and Roadways within the Study Area. The Project would generate less than 25 two-way trips affecting CMP facilities and would not affect CMP facilities LOS. Therefore, the Project's impacts to the CMP facilities are considered less-than-significant. (DEIR, pp. 4.3-93 to 4.3-94)

b) Objectionable Odors

Potential Impact: Whether implementation of the proposed Project could generate objectionable odors affecting a substantial number of people.

Finding: Potential impacts on of the Project on Air Quality are discussed in detail in Section 4.4 of the Draft EIR. Based on the entire record before us, the City finds that the potential for the Project to create objectionable odors affecting a substantial number of people is less-than significant; no mitigation is required. (DEIR, 4.4-53 to 4.4-54.)

Facts in Support of Finding: The Project does not propose land uses or activities typically associated with emitting objectionable odors. The Project may, however, generate localized odors due to construction equipment exhaust, application of asphalt

and architectural coatings during construction activities, fast-food and restaurants using charbroilers and other cooking facilities, and the temporary storage of typical solid waste (refuse). Standard construction materials use storage and disposal requirements would minimize odor impacts from construction. Moreover, any construction-source odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction. (DEIR, pp. 4.4-53 to 4.4-54.)

With regard to Project operations, Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with City solid waste regulations. Further, any other odors that may be generated during Project operations would disperse rapidly and would likely be limited to the immediate vicinity of the odor source. The Project would also be required to comply with SCAQMD Rule 402, acting to minimize potential occurrences of public nuisance odors. (DEIR, p. 4.4-54.)

Accordingly, the potential for the Project to create objectionable odors affecting a substantial number of people is considered less-than-significant. (DEIR, p. 4.4-54)

4. Global Climate Change and Greenhouse Gas Emissions

a) GHG Emissions/Global Climate Change

Potential Impact: Whether implementation of the proposed Project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy or regulation adopted for the purposes of reducing the emissions of greenhouse gases.

Finding: Potential Global Climate Change and Greenhouse Gas Emissions impacts of the Project are discussed in detail in Section 4.5 of the Draft EIR and in the Moreno Valley Walmart Greenhouse Gas Analysis, City of Moreno Valley (Urban Crossroads, Inc.) August 27, 2014 (EIR Appendix E). Based on the entire record before us, the City finds a less than significant impact related to global climate change and therefore no mitigation is required. (DEIR, pp. 4.5-1 to 4.5-38; FEIR, pp. 3-83 to 3-88)

Facts in Support of the Finding: The DEIR contained a comprehensive evaluation of potential for the Project to result in a significant global climate change impact due to increase in greenhouse gas (“GHG”) emissions resulting from the proposed Project as it relates to three factors:

Factor No. 1: The extent to which the Project may increase or reduce GHG emissions as compared to the existing environmental setting. (DEIR, p. 4.5-35.) The Project will incorporate energy efficient/energy conserving Project Design Features (PDFs) that will reduce GHG emissions when compared to baseline Title 24 compliant design requirements. (DEIR, p. 4.5-35; Table 4.5-5.) See Section 4.5 of the EIR for a detailed description of the various PDFs. The features include items such as lighting controls, energy management systems, dehumidification, heat reclamation, water conservation, and recycled building materials. (DEIR, p. 4.5-35.) Many of the Project PDFs are consistent with GHG reduction strategies developed by groups and public agencies, such as ARB, CAPCOA and the California Attorney General Office.

(DEIR, p. 4.5-35.) The Project in total would implement energy efficient designs representing a minimum 10% improvement on incumbent Title 24 standards. Energy efficient designs implemented by the Project would reduce operational source air pollutant emissions collectively, including GHG emissions. (DEIR, pp. 4.5-35 to 4.5-36; FEIR, pp.3-92 to 3-94)

Factor No. 2: Whether the Project GHG emissions exceed a threshold of significance that the lead agency determines applies to the Project. (DEIR p. 4.5-36.) Project GHG emissions would not exceed a threshold of significance that the lead agency determines applies to the Project. To the contrary, the Project is consistent with the City's General Plan and the City's GHG Emissions Reduction Program and Regulation. Furthermore, the Project is consistent with the numerous regulations that are being adopted pursuant to AB 32, Executive Order S-3-05, and others. The Project supports and would not conflict with AB 32 and Executive Order S-3-05 goals and objectives. As addressed directly in Section 4.5 of the DEIR, development of the Project includes several features which will not hinder attainment of the state's goals of reducing greenhouse gas emissions to 1990 levels by 2020 and an 80 percent reduction below 1990 levels by 2050. The Project will further new contemporary energy-efficient designs, and implementation of energy efficient facilities, appliances, and operational efficiencies. Moreover, the Project includes several sustainability measures that are consistent with recommendations by key climate change constituencies. See generally EIR Section 3.0 Project Description, and specifically, Section 3.4.10 Energy Efficiency/Sustainability. Please refer also to EIR Mitigation Measure 4.4.4. (DEIR, pp. 4.5-36; FEIR, pp.3-94 to 3-95)

The Project would also constitute development within an established community and would not be opening up a new geographical area for development such that it would draw mostly new trips, or substantially lengthen existing trips. Rather, the Project would provide an opportunity for nearby residents to shop closer to home. While the Project may increase vehicle miles traveled (VMT) for some customers, most of the trips would be coming from within the immediate area. Given the location of other comparable stores within more distant portions of the region, customers that would previously have traveled to these locations will now have a store closer to their home. Accordingly, the Project would tend to reduce vehicular-source GHG emissions by reducing vehicle trip lengths and regional VMT when compared to continued travel patterns outside of the City to access the retail opportunities and amenities otherwise provided by the Project. (DEIR, pp. 4.5-36 to 4.5-37; FEIR, pp.3-94 to 3-95)

Factor No. 3: The extent to which the Project complies with regulations or requirements adopted to implement a statewide, regional or local plan for the reduction or mitigation of GHG emissions. (DEIR, p. 4.5-37; FEIR, pp.3-95 to 3-96)

The SCAQMD has not formally adopted a significance threshold for GHG emissions generated by a project, or a uniform methodology for analyzing impacts related to GHG emissions or global climate change. However, the City of Moreno Valley has adopted a climate action plan regulating the emission of greenhouse gases. The Project is consistent and complies with the City of Moreno Valley GHG Emissions

Reduction Programs and Regulations. See generally R2 and R3 reduction measures contained within Section 4, *City of Moreno Valley GHG Emissions Reduction Programs and Regulations of the Final City of Moreno Valley Greenhouse Gas Analysis* (Atkins) February 2012. The referenced Section 4 outlines measures furthering reductions in communitywide GHG emissions. Project consistency and compliance with applicable City GHG Emissions Reduction Programs and Regulations are reflected in the discussions presented in the EIR (see also DEIR Table 4.5-3). (DEIR, p. 4.5-37; FEIR, pp.3-95 to 3-96)

As substantiated in the EIR, the Project complies with the regulations or requirements adopted to implement all applicable plans for the reduction or mitigation of greenhouse gas emissions. As a result of the analysis presented herein, and irrespective of the use of the Business As Usual (“BAU”) scenario threshold, the Project GHG emissions impacts would be less-than-significant. (DEIR, p. 4.5-37; FEIR, pp.3-96 to 3-97)

Moreover, the analysis provided in the EIR demonstrates that the Project is consistent with, or otherwise not in conflict with, recommended measures and actions in the CARB Scoping Plan. The Scoping Plan establishes strategies and measures that would achieve GHG reductions goals set forth in the Global Warming Solutions Act of 2006 (AB 32). More specifically, the CARB Scoping Plan calls for an approximately 28.5 percent reduction in GHG emissions when compared to BAU conditions. As substantiated in the EIR, with the incorporation of certain Project design features and mitigation measures included as part of Section 4.4, Air Quality, Project GHG emissions would be reduced by approximately 30.9 percent when compared to the BAU scenario. This reduction exceeds the 28.5 percent reduction target based on CARB’s AB 32 analysis, and supports the conclusion that Project GHG emissions would not, directly or indirectly, have a significant impact on the environment. (DEIR, p. 4.5-38)

The Project is further determined to be in concert with AB 32 and international efforts to address global climate change and would reflect specific local requirements that would substantially lessen cumulative GHG emissions impacts. The proposed South Moreno Valley Walmart Project would therefore also fulfill the description of mitigation found in CEQA Guidelines §15130(a) (3) and §15183.5. The Project’s incremental contribution to GHG emissions impacts would therefore not be cumulatively considerable. (DEIR p. 4.5-38)

The discussions in the EIR substantiate further that the Project complies with the regulations or requirements adopted to implement all applicable plans for the reduction or mitigation of greenhouse gas emissions. As a result of the analysis presented herein, and irrespective of the use of the BAU threshold, the Project GHG emissions impacts would be less-than-significant. (DEIR, p. 4.5-38)

Accordingly, the potential for the Project to: conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases or; generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment is considered less-than-significant. (DEIR, p. 4.5-38)

b) Cumulative Impacts – GHG Emissions/Global Climate Change

Potential Impact: Whether implementation of the proposed Project could contribute to cumulative impacts in regard to global climate change.

Finding: Potential impacts of the Project on Global Climate Change are discussed in detail in Section 4.5 of the Draft EIR. Furthermore, Section 5.1.1.5 discusses Cumulative Impacts Related to GHG Emissions and Global Climate Change in particular. Based on the entire record before us, the City finds no significant cumulative impacts related to GHG emissions/global climate change. (DEIR, pp. 5-29 to 5.30)

Facts in Support of the Finding: As discussed in Section 4.5 of the DEIR, the Project would not conflict with the attainment of the State’s goals of reducing greenhouse gas emissions as dictated by existing policy and legislation. As such, the Project’s potential to contribute considerably (either individually or cumulatively) to a global climate change impact through greenhouse gas (GHG) emissions is less than significant. (DEIR, pp. 5-29 to 5-30)

CEQA emphasizes that the effects of greenhouse gas emissions are cumulative, and should be analyzed in the context of CEQA’s requirements for cumulative impacts analysis. (CEQA Guidelines Section 15130(f)). In this regard, the Project Greenhouse Gas Analysis (EIR Appendix E) is by its nature a cumulative analysis. (DEIR, p. 5-29)

As demonstrated in the Project Greenhouse Gas Analysis and the information presented at EIR Section 4.5, Global Climate Change and Greenhouse Gas Emissions, the Project would not cause or result in a substantial increase in Greenhouse Gas emissions when compared to the BAU scenario, and Project GHG emissions would not exceed a threshold of significance that the lead agency determines applies to the Project. The Project GHG analysis also demonstrates that the Project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. (DEIR, pp. 5-29 to 5-30)

In this latter regard, the GHG Analysis demonstrates that Project-source GHG emissions represent an approximate 30.9 percent reduction in GHG emissions when compared to a BAU scenario. This is consistent with and supports California AB 32 Scoping Plan directives calling for an approximate 28.5 percent reduction in GHG emissions when compared to the BAU scenario. Further, the Project would conform to applicable City of Moreno Valley GHG Emissions Reduction Programs and Regulations (please refer to DEIR Section 4.5, Table 4.5-3). (DEIR, p. 5-30)

Further, irrespective of the use of the BAU threshold, substantial evidence exists supporting the conclusion that the Project’s GHG emissions impacts are less-than-significant. To this end, the analysis at DEIR Section 4.5 substantiates that the Project GHG emission would be less-than-significant when considered independently within in the context of applicable CEQA Guidelines GHG Emissions Significance Factors. (DEIR, p. 5-30)

Accordingly, the Project's potential to contribute considerably (either individually or cumulatively) to a global climate change impact through GHG emissions is therefore considered less-than-significant. (DEIR, p. 5-30)

5. Noise

a) Construction Activities – Permanent Increase in Ambient Noise Levels

Potential Impact: Whether Project construction activities and associated noise could result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Finding: Potential Noise impacts of the Project are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, the City finds the Project would result in a less than significant impact related to a permanent increase in ambient noise levels resulting from construction activities and, therefore, no mitigation is required. (DEIR, p. 4.6-30)

Facts in Support of the Finding: Construction noise is not considered a permanent source of noise due to the limited timeframe of construction activities. Accordingly, potential impacts to permanent ambient noise levels stemming from construction activities are considered less than significant and no mitigation is required. (DEIR, p. 4.6-30)

b) Vehicular Source Noise – Noise Levels in Excess of City Standards

Potential Impact: Whether Project vehicular source noise could result in exposure of persons to, or generation of, noise levels in excess of standards established in the City's General Plan or Noise Ordinance, or other applicable standards of other agencies.

Finding: Potential Noise impacts of the Project are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, the City finds the Project will result in a less than significant impact related to vehicular noise levels in excess of City standards and, therefore, no mitigation is required. (DEIR, pp. 4.6-33 to 4.6-35)

Facts in Support of the Finding: To assess impacts resulting from Project-related vehicular source noise, the Project Noise Study developed contours for 105 roadway segments in the Project vicinity based on roadway average daily trip (ADT) estimates, Project trip generation, and distribution as presented in *Moreno Valley Walmart Traffic Impact Analysis, City of Moreno Valley, California* (Urban Crossroads, Inc.) February 10, 2015 (Project TIA, EIR Appendix C). DEIR, pp. 4.6-34 to 4.6-35)

The noise contours were used to assess the Project's vehicular-source noise impacts at land uses adjacent to roadways conveying Project traffic. Based on the vehicular-source noise impact significance criteria described in Section 4.6.4, Project vehicle-source noise that would result in exposure of land uses to noise levels greater than 65 dBA CNEL would potentially expose persons to, or generate, noise levels in excess of standards established in the local general plan, and would therefore be potentially significant.

Noise contours were developed for all 105 roadway segments under the following traffic scenarios: (i) Existing Without/With Project, (ii) Year 2018 Without/With Project, and (iii) Year 2035 Without/With Project. (DEIR, pp. 4.6-34 to 4.6-35)

In no instances would perceptible Project vehicular-source noise result in or cause noise levels along potentially affected roadway segments to transition from an acceptable ambient noise environment (<65 dBA CNEL) to a noise environment greater than 65 dBA CNEL. On this basis, Project vehicular-source noise would not result in exposure of persons to, or generation of, noise levels in excess of standards established in the City's General Plan, and potential impacts in this regard would be less-than-significant. (DEIR, p. 4.6-35.)

c) Vehicle Source Noise – Temporary or Periodic Increase in Ambient Noise Levels

Potential Impact: Whether Project-related vehicular source noise could result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Finding: Potential Noise impacts of the Project are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, the City finds the Project will not result in a significant impact related to a temporary or periodic increase in ambient noise levels due to increased vehicular noise and, therefore, no mitigation is required. (DEIR, pp. 4.6-35 to 4.6-36)

Facts in Support of the Finding: Vehicular source noise is addressed as a permanent source of noise, rather than a temporary or periodic source of noise increases. Accordingly, potential source noise impacts related to a temporary or periodic increase in ambient noise levels are considered less than significant and no mitigation is required. (DEIR, pp. 4.6-35)

d) Vehicle Source Noise – Permanent Increase in Ambient Noise Levels

Potential Impact: Whether Project vehicular source noise could result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Finding: Potential Noise impacts of the Project are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, the City finds the Project would result in a less than significant impact related to a permanent increase in ambient noise levels due to increased vehicular noise and, therefore, no mitigation is required. (DEIR, pp. 4.6-36)

Facts in Support of the Finding: As discussed in the EIR, Project vehicular-source noise contributions to ambient noise conditions throughout the Study Area would be less than 1.5 dBA CNEL. Project vehicular-source noise would not be perceptible and would not cause or result in noise levels of 65dBA CNEL or greater within the Study Area. As such, Project vehicular-source noise would not result in a substantial permanent increase

in ambient noise levels in the Project vicinity above levels existing without the Project, and impacts in this regard are therefore less-than-significant. (DEIR, p. 4.6-36)

e) Project Operational Noise – Exceedance of General Plan or Noise Ordinance Standards.

Potential Impact: Whether project operational stationary/area-source noise would result in exposure of persons to, or generation of, noise levels in excess of standards established in the City’s General Plan or Noise Ordinance.

Finding: Potential impacts on Noise are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, the City finds no significant impact related to project operational stationary/area-source noise; therefore, no mitigation is required. (DEIR, pp. 4.6-42 to 4.6-43)

Facts in Support of the Finding: Operational stationary/area-source noise generators resulting from the Project would include: loading docks, roof-top air condenser units, shopping cart corrals, parking lot activities, trash compactors, and car wash activities. (DEIR, pp. 4.6-36 to 4.6-41) Reference noise levels from these sources were then applied to the Project in context, and resulting noise levels that would be received at off-site land uses were estimated. (DEIR, p. 4.6-36) Unmitigated hourly noise levels for each noise source are expected to range from 28.1 dBA Leq for parking lot activities to 52.1 dBA Leq for loading dock activities. (DEIR, p. 4.6-42; Table 4.6-8)

When combined, the Project operational noise levels at a distance of 200 feet are estimated at 54.4 dBA Leq. (DEIR, pp. 4.6-42) At a distance of 200 feet, Project operational stationary/area-source noise levels would not exceed 65 dBA Leq daytime and/or 60 dBA Leq nighttime standards established under the City Municipal Code. (DEIR, p. 4.6-42) On this basis, Project operational stationary/area-source noise would not result in exposure of persons to, or generation of, noise levels in excess of standards established in the City’s Noise Ordinance. Impacts in this regard would therefore be less-than-significant. (DEIR, p. 4.6-42; FEIR, pp. 3-101 to 3-102)

Project operational stationary/area-source noise levels received at off-site locations would not exceed applicable Municipal Code noise standards. Applicable Municipal Code noise standards correlate with and support General Plan Noise policies and standards. The potential for Project operations to result in exposure of persons to, or generation of, noise levels in excess of standards established in the City’s General Plan or Noise Ordinance is therefore considered less-than-significant. (DEIR, p. 4.6-42)

f) Project Operational Noise –Increase to Ambient Noise Levels.

Potential Impact: Whether Project operational noise would result in a substantial permanent, temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Finding: Potential impacts on Noise are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, the City finds no significant impact related to

ambient noise levels in the Project vicinity. (DEIR, pp. 4.6-43 to 4.6-46; FEIR, pp. 3-101 to 3-105)

Facts in Support of the Finding: Evaluation of the potential for Project operational/area source noise to temporarily or permanently result in a substantial increase in ambient noise levels without the Project is reflected by relative change in average day/night conditions due to Project operations/site activities. (DEIR, p. 4.6-43) The DEIR analyzed unmitigated Project operational stationary/area-source noise levels that would be received at proximate receptors, and indicates that the Project would contribute operational stationary/area-source noise levels of up to 4.8 dBA Leq (daytime) and 7.0 dBA Leq (nighttime) at nearby receptor locations. (DEIR, pp. 4.6-46; Tables 4.6-10 and 4.6-11.) However, in no instance would Project operational stationary area-source noise cause or result in exceedance of the maximum acceptable ambient condition (65 dBA daytime/60 dBA nighttime). (DEIR, p. 4.6-46.)

Nor would Project operational stationary/area-source noise result in an increase of 1.5 dBA or greater in instances where noise levels without the Project already exceed the maximum acceptable ambient condition. Accordingly, Project operational stationary/area-source noise would not result in a substantial temporary/periodic, or permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project, and impacts in these regards are less-than-significant. (DEIR, p. 4.6-46.)

g) Vibration – Groundborne Noise

Potential Impact: Whether implementation of the proposed Project could result exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise.

Finding: Potential Noise impacts of the Project are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, the City finds the Project will not result in a significant impact related to groundborne vibration or groundborne noise and, therefore, no mitigation is required. (DEIR pp. 4.6-46 to 4.4-49)

Facts in Support of the Finding: Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. It is expected that groundborne vibration from Project construction activities would cause only intermittent, localized intrusion. The Project's construction activities most likely to cause vibration are heavy construction equipment and trucks. (DEIR, pp.4.6-46 to 4.6-47)

Groundborne vibration levels resulting from construction activities occurring within the Project site were estimated using data published by the Federal Transit Administration (FTA). Construction activities that would occur within the Project site are expected to include grading and excavation, which would have the potential to generate low levels of groundborne vibration. (DEIR, pp.4.6-46 to 4.6-47) Using the vibration source level of construction equipment provided by the FTA, the DEIR concludes that Project

construction is not expected to generate vibration levels exceeding the FTA maximum acceptable vibration standard of 80 VdB. (DEIR, pp. 4.6-47 to 4.6-48) Further, impacts at the closest sensitive receptor are unlikely to be sustained during the entire construction period, but will occur rather only during the times that heavy construction equipment is operating proximate to the Project site perimeter. Moreover, construction at the Project site will be restricted to daytime hours consistent with City requirements thereby eliminating potential vibration impact during the sensitive nighttime hours. (DEIR, pp. 4.6-46 to 4.6-48.) Since the nearest receptors are located a minimum of 100 feet from the nearest point of construction activities, impacts from construction-related groundborne vibration are anticipated to be less-than-significant. (DEIR, p.4.6-48)

In regard to operational aspects of the Project, the potential for vibration impacts to result from vehicular sources, such as heavy delivery trucks accessing the Project site, is considered less than significant. Delivery trucks accessing the site could result in some level of vibration. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement condition. Although the human threshold of perception for vibration is around 65 VdB, human response to vibration is not usually significant unless the vibration exceeds 70 VdB. Even at normal traffic speeds, vibration levels for heavy trucks do not typically exceed 65 VdB. Since delivery trucks entering/exiting the Project site will be travelling at very low speeds, it is anticipated that the vibration will not approach 65 VdB. (DEIR, p.4.6-48)

Commercial developments, such as the Project, typically do not operate machinery onsite that could create significant long-term vibration impacts. Similarly, operational activities that would result from Project implementation would not include or require equipment, facilities, or activities that would result in perceptible groundborne vibration. Accordingly, the potential for the Project to result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise is less-than-significant. (DEIR, p.4.6-48)

6. Hydrology and Water Quality

a) Violation of Water Quality Standards

Potential Impact: Whether implementation of the Project will violate any water quality standards or waste discharge requirements.

Finding: Potential impacts of the Project on Hydrology/Water Quality are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before us, the City finds the Project will result in a less than significant impact related to any violations of water quality standards or waste discharge requirements. (DEIR, pp. 4.7-17 to 4.7-19)

Facts in Support of the Finding: The Project is mandated to acquire all necessary permits, and comply with City of Moreno Valley and RWQCB requirements for the Santa Ana Region, acting to preclude, or substantively reduce the potential of the Project to violate any water quality standards or waste discharge requirements. More specifically, consistent with established building code regulations, a site-specific drainage

study reflecting precise pad locations, proposed drainage structures, detention facilities, etc., is required prior to the issuance of building permits. The preliminary Drainage Study and WQMP for the Project have been included in EIR Appendix G. (DEIR p. 4.7-17)

The Project will connect to the existing sanitary sewer system serving the Project area, and does not propose or require septic systems or other alternative treatment of wastewater. Further, the Project's plans for connection to existing sanitary sewer infrastructure facilities are subject to review and approval by the City and EMWD. The Project Applicant will also be required to apply for service and pay a mandated Connection Fee and ongoing Service Fees. Fees paid by the Project will be applied toward maintenance and expansion of City and EMWD conveyance and treatment facilities. Wastewater generated by the Project is typical of commercial generators and wastewater resulting from the Project uses will not require treatment beyond that provided by existing EMWD facilities. (DEIR, pp. 4.7-17 to 4.7-18)

Moreover, the Project will be developed and operated in compliance with City/SARWQCB regulations and water quality standards. More specifically, the Project will provide connection to, and interface with, existing and proposed drainage systems in the least invasive manner possible. Design, configuration, and locations of proposed drainage system improvements will be reviewed and approved by the City prior to, or concurrent with, application for grading permits. (DEIR, p. 4.7-18)

Preliminary landscape plans for the Project show pervious areas, such as end planters, fingers, and perimeter planters to enhance on-site capture and absorption of storm flows. The Project's infiltration basin will also provide for elimination/reduction of pollutant discharges, including capture and treatment of dry weather and first flush runoff in a manner consistent with City and SARWQCB policies and requirements. (DEIR, p. 4.7-18)

All stormwater discharges shall comply with applicable provisions of the RCFCWCD NPDES permit. Consistent with SARWQCB, RCFCWCD and City requirements, waste materials will not be discharged to drainage areas, streambeds, or streams. Appropriate BMPs will be employed throughout construction processes, thereby controlling potential discharge of pollutants, preventing sewage spills, and avoiding discharge of sediments into streets, stormwater channels, or waterways. Selected BMPs will act to control and prevent potential contaminant spills, prevent runoff from off-site areas from flow across the construction site(s), slow runoff rates across the site; provide soils stabilization; and remove sediment from on-site runoff before it leaves the site. (DEIR, p. 4.7-18)

Similarly, the Project's mandated WQMP will act to control potential discharge of pollutants, prevent sewage spills, and avoid discharge of sediments into streets, stormwater channels, or waterways due to operational activities over the life of the Project. All required drainage improvements will be designed and implemented to the satisfaction of the City and SARWQCB. Please refer also to the Project WQMP included at EIR Appendix G. (DEIR, p. 4.7-19)

Accordingly, the potential for the Project to violate any water quality standards or waste discharge requirements is less-than significant. (DEIR, p. 4.7-19)

b) Cumulative Impacts Related to Hydrology/Water Quality

Potential Impact: Whether implementation of the proposed Project could result in significant cumulative impacts related to hydrology/water quality.

Finding: Potential Project-related Hydrology/Water Quality impacts are discussed in detail in section 4.7 of the DEIR. In addition, Section 5.1.1.7 of the DEIR discusses the cumulative impacts related to hydrology/water quality. Based on the entire record before us, the City finds that the Project's contributions to these impacts are not cumulatively considerable and therefore, no mitigation is required. (DEIR, pp. 5-38 to 5-40)

Facts in Support of the Finding: The Project would comply with established stormwater management policies and regulations including, but not limited to, applicable provisions of the SARQWCB Basin Plan. Regulatory compliance, complemented by implementation of Project-specific stormwater management components, reduces the Project's potential contribution to cumulative hydrology/water quality impacts to levels that are not cumulatively considerable. (DEIR, p. 5-40)

Development of the Project site would incrementally increase impervious surfaces within the cumulative impact area, with related potential increases in the rate and quantity of local stormwater discharges. However, as summarized at EIR Section 4.7, and presented in detail within the Project Drainage Study, (EIR Appendix G), the Project incorporates those stormwater management components, including drainage facilities, drainage swales/water quality management features, and structural and non-structural Best Management Practices, which collectively act to ensure that post-development stormwater discharge rates are adequately conveyed within available system capacities. (DEIR, p. 5-38)

More specifically, on-site runoff would be collected by roof drains to be located on the Walmart rooftop, curb inlets, catch basins, and a truck well drain (with inlet filter) to be located in the northerly portion of the site, along the buildings' rear façade. These flows would be directed to a 1.12-acre infiltration basin to be located at the site's southerly boundary, via an underground storm drain system. (DEIR, pp. 3-16; 4.7-11; 5-38 to 5-39)

The stormwater system's infiltration basin would functions serve as both a stormwater quality treatment basin and a stormwater discharge control basin. The basin has been designed consistent with the Riverside County Low Impact Development Design BMP Handbook and the City's Water Quality Basin Civil Design Guidelines. (DEIR, p. 5-39) In addition, drainage line improvements would be constructed by the Project, or would otherwise be assured via Project Conditions of Approval to be in place and operational prior to issuance of the first Certificate of Occupancy for the Project. (DEIR, p. 5-39)

In this manner, the Project's contributions to cumulative stormwater discharges would be limited based upon available stormwater system capacities, and the Project's

contributions would not be cumulatively considerable. The Project would implement stormwater quality treatment facilities and programs consistent with requirements and policies identified in the SARQWCB Basin Plan (Basin Plan). The Basin Plan, as implemented, ensures that cumulative water quality impacts within the SARQWCB jurisdictional area are less-than-significant. (DEIR, pp. 5-39 to 5-40)

7. Biological Resources

a) Riparian Habitat

Potential Impact: Whether the Project will have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Finding: Potential impacts of the Project on Biological Resources are discussed in detail in Section 4.9 of the Draft EIR. Based on the entire record before us, the City finds the Project will result in a less than significant impact on riparian habitats. (DEIR, pp. 4.9-9 to 4.9-15)

Facts in Support of the Finding: No riparian habitat or other sensitive communities exist within the Project site. Nor does the Project propose uses or activities that would substantially or adversely affect any off-site riparian areas. On this basis, the Project's potential to substantially or adversely affect any riparian habitat or other sensitive natural community is considered less-than-significant. (DEIR, p. 4.9-15)

b) Federally Protected Wetlands

Potential Impact: Whether the Project will have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Finding: Potential impacts of the Project on Biological Resources are discussed in detail in Section 4.9 of the Draft EIR. Based on the entire record before us, the City finds the Project will result in a less than significant impact on wetlands. (DEIR, pp. 4.9-7 to 4.9-9; 4.9-15)

Facts in Support of the Finding: No wetlands exist within the Project site. Further, the Project does not propose uses or activities that would substantially and adversely affect any off-site wetlands areas. On this basis, the Project's potential to substantially and adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruptions or other means, is determined to be less-than-significant. (DEIR, pp. 4.9-7 to 4.9-9; 4.9-15)

c) Migratory Wildlife Corridors

Potential Impact: Whether the Project will interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

Finding: Potential impacts of the Project on Biological Resources are discussed in detail in Section 4.9 of the Draft EIR. Based on the entire record before us, the City finds the Project will result in a less than significant impact on migratory wildlife corridors. (DEIR, pp. 4.9-15 to 4.9-16)

Facts in Support of the Finding: Wildlife corridors are areas which animals can use to move from one patch of suitable habitat to another. These areas would be expected to have the least habitat fragmentation relative to surrounding areas. A wildlife corridor establishes connectivity for animals to move, live, reproduce and respond to functional ecological processes during the course of a year to several years. (DEIR, pp. 4.9-15 to 4.9-16) Wildlife crossings are generally small, narrow wildlife corridors that allow wildlife to pass through an obstacle or barrier such as a roadway to reach another patch of habitat. Wildlife crossings are manmade and include culverts, drainage pipes, underpasses, tunnels, and, more recently, crossings created specifically for wildlife movement over or under highways. (DEIR, p. 4.9-16) Both wildlife crossings and wildlife corridors function to prevent habitat fragmentation that would result in the loss of species that require large contiguous expanses of unbroken habitat and/or that occur in low densities. (DEIR, p. 4.9-16) Linkages are areas that provide for long term movement or interaction of wildlife to maintain natural evolutionary and ecological patterns. Linkages are fundamental for gene flow and large scale ecological processes. These areas are usually defined by the zones of “least resistance” for the genes of a given species to move or “flow” between core reserve populations. (DEIR, p. 4.9-16)

During preparation of the MSHCP, wildlife corridors and habitat linkages throughout western Riverside County were analyzed extensively. No MSHCP wildlife habitat linkages or movement corridors were identified at the Project site. Nor does the Project propose facilities or activities that would substantively and adversely affect any offsite designated wildlife habitat linkage or movement corridor. Based on the preceding discussion, impacts to wildlife corridors, habitat linkages, or wildlife nursery sites that would occur as a result of the proposed Project are determined to be less-than significant. (DEIR, p. 4.9-16)

C. POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFIANCE WITH MITIGATION MEASURES

Public Resources Code section 21081 states that no public agency shall approve or carry out a Project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

The following issues from seven of the environmental categories analyzed in the EIR, including Traffic and Circulation, Noise, Hydrology and Water Quality, Geology and Soils, Biological Resources, Cultural Resources, and Hazards and Hazardous Materials, were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. The City hereby finds pursuant to *Public Resources Code* section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the Mitigation Monitoring and Reporting Program adopted by the City. Specific findings of the City for each category of such impacts are set forth in detail below.

1. Traffic and Circulation

a) Design Features, Access, and Internal Circulation

Potential Impact: Whether implementation of the proposed Project could substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or compatible uses (e.g., farm equipment); or result in inadequate emergency access.

Finding: Potential impacts on Traffic and Circulation are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, the City finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measures 4.3.65 and 4.3.66. (DEIR, p. 4.3-1 to 4.3-101) These mitigation measures, enumerated below, are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein.

4.3.65 Construction trucks shall utilize the most direct route between the site and the I-215 Freeway (Cactus Avenue to Perris Boulevard). Routes other than those identified on the City's Designated Truck Route Map shall be submitted to the City Public Works Department for review and approval. (DEIR, p. 4.3-100)

4.3.66 The Project Applicant shall prepare a Construction Area Traffic Management Plan (Plan) to be reviewed and approved by the City Public

Works Department. The Plan shall identify traffic controls; any street closures and/or detours, or other disruption to traffic circulation, as well as construction vehicle access routes, hours of construction traffic to include transport of equipment to and from the site as well as any planned import or export of soil; any pavement repairs or enhancements along proposed construction traffic routes; and other information and/or restrictions determined necessary by the Lead Agency. The Plan and its requirements shall be provided to all contractors as one component of building plan/contract document packages. (DEIR, pp. 4.3-100 to 101)

Facts in Support of the Finding: To ensure appropriate design and implementation of all Project circulation improvements, the final design of the Project site plan, to include locations and design of proposed driveways, shall be reviewed and approved by the City Traffic Engineer. In addition, representatives of the City's Police and Fire Departments will review the Project's plans in regard to emergency access. Efficient and safe operations of the Project are provided by on-site and localized circulation and intersection improvements included as components of the Project. (DEIR, p. 4.3-94)

The Draft EIR included a number of identified internal circulation designs as well as identified roadway and site access improvements. (DEIR, pp. 4.3-94 to 4.3-97) In addition, the potential impacts related to construction traffic are also addressed in detail, and includes a construction traffic management plan. (DEIR, pp. 4.3-97 to 4.3-100)

Based on incorporation of the design elements and improvements described in the DEIR, as well as the implementation of Mitigation Measures 4.3.65 and 4.3.66, potential impacts in regard to increased hazards to a design feature, inadequate site access including emergency access, or internal circulation are less than significant. (DEIR, pp. 4.3-100 to 4.3-101)

2. Air Quality

a) Sensitive Receptors

Potential Impact: Whether implementation of the proposed project could expose sensitive receptors to substantial pollution concentrations.

Finding: Potential impacts to the project on Air Quality are discussed in detail in Section 4.4 of the Draft EIR. Based on the entire record before us, the City finds that the impact is potentially significant but will be mitigated to a less than significant level with implementation of mitigation measures 4.4.1 through 4.4.3. (DEIR, p. 4.4-35 to 4.4-53). These mitigation measures, enumerated below, are adopted and incorporated into the Mitigation and Monitoring and Reporting Program for the project, and will be implemented as specified therein.

4.4.1 The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403 and limit fugitive dust emissions:

- *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour;*
- *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day; and*
- *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.*

4.4.2 Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling. This requirement is based on the California Air Resources Board regulation in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations, which imposes a requirement that heavy duty trucks accessing the site shall not idle for greater than five minutes at any location. This measure applies to construction traffic.

4.4.3 During grading activity, all rubber tired dozers and scrapers (≥ 50 horsepower) shall be CARB Tier 3 Certified or better. Additionally, during grading activity, total horsepower output for all equipment shall not exceed 16,784 horsepower-hours per day; and the maximum (actively graded) disturbance area shall not exceed five (5) acres per day.

Facts in Support of Finding: Development of the Project could result in exceedances of established ambient air quality standards for certain criteria pollutants at the closest sensitive receptors due to construction and operational activities. As reflected in the localized significance threshold analysis included in the Draft EIR, prior to implementation of mitigation, the proposed Project would result in an exceedance of ambient air quality standards for PM₁₀ and PM_{2.5} emissions. However, after implementation of Mitigation Measures 4.4.1 through 4.4.3, emissions would be reduced to levels that do not exceed the applicable standards and, therefore, the project would result in a less than significant impact with regard to construction and operational emissions exceeding ambient air quality standards. (DEIR, p. 4.4-40) Project could also result in a significant health risk impact due to project-related emissions of toxic air contaminants. However, as reflected in the Project's Health Risk Assessment (DEIR MSD) the proposed Project would not result in a significant health risk to sensitive receptors located in the vicinity of the project site. (DEIR, p. 4.4-48) Nor would the Project create a result in localized carbon monoxide hot spots due to project-related traffic generation.

3. Noise

a) Project Construction Noise – Exceedance of General Plan or Noise Ordinance Standards

Potential Impact: Whether Project construction activities and associated noise would result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Finding: Potential impacts on Noise are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, the City finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measures 4.6.1 through 4.6.6. (DEIR, p. 4.6-25 to 4.6-30) These mitigation measures, enumerated below, are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein.

4.6.1 Install temporary noise control barriers that provide a minimum noise level attenuation of 17 dBA when Project construction activities occur within 200 feet of existing residential structures or other off-site sensitive receptor land uses that are occupied or actively utilized. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the noise source. Unnecessary openings shall not be made.

- *The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.*
- *The noise control barriers and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity. (DEIR, p. 4.6-28)*

4.6.2 For other than grading activities, noise-generating Project construction activities shall not occur between the hours of 8 p.m. to 8 a.m. Grading operations shall be limited to between the hours of 8a.m. and 6 p.m. weekdays, and 8 a.m. to 4 p.m. on weekends and holidays, or as otherwise approved by the City Engineer. (DEIR, p. 4.6-28)

4.6.3 During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site noise sensitive receptors nearest the Project site. (DEIR, pp. 4.6-28 to 4.6-29)

4.6.4 The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site noise sensitive receptors nearest the Project site during all Project construction activities. (DEIR, p. 4.6-29)

4.6.5 The construction contractor shall prohibit haul truck deliveries to the Project site, including transportation of heavy construction equipment, consistent with timeframe limitations specified for general construction equipment operations, other than grading, (i.e., deliveries are prohibited between the hours of 8 p.m. to 8 a.m.) The Project Applicant shall prepare a haul route exhibit for review and approval by the City Planning Division prior to commencement of construction activities. The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise. (DEIR, p. 4.6-29)

4.6.6 The construction contractor shall post a publicly visible sign with Contractor and City telephone numbers and persons to contact regarding noise complaints. The construction manager, within 72 hours of receipt of a noise complaint, shall either take corrective actions or, if immediate action is not feasible, provide a plan of corrective action to address the source of the noise complaint. Plan(s) for corrective action shall be submitted to City for approval, and shall be implemented within 24 hours of City approval. Pending City approval, offending construction activities shall cease, or the source of objectionable noise shall otherwise be terminated. (DEIR, p. 4.6-29)

Facts in Support of the Finding: Construction-source noise represents a temporary impact on ambient noise levels. Noise generated by construction equipment, including trucks, power tools, concrete mixers and portable generators can reach high levels. Project construction is expected to occur in four stages: (i) Grading, (ii) Utilities/underground, (iii) Curb, gutter, flatwork and parking lot, and (iv) Building/painting. (DEIR, p. 4.6-25) The DEIR considered the maximum noise levels associated with each stage of Project construction and concluded that maximum construction-source noise levels at several receptor locations would exceed the City's daytime standard of 65 dBA, and would therefore be potentially significant. (DEIR, p. 4.6-25 to 4.6-27)

By ordinance, construction activities that could generate substantive noise are restricted to the hours of 7 a.m. through 8 p.m. This could potentially allow substantive construction noise generating activities between 7 a.m. and 8 a.m., within the 10 p.m. to 8 a.m. "nighttime" period defined in the City Noise Ordinance. To ensure that Project construction activities do not adversely affect ambient noise conditions during the ordinance-defined nighttime hour of 7 a.m. to 8 a.m., and ensure compliance with provisions of Municipal Code Section 11.80.030.D.7, "Construction and Demolitions," noise-generating Project construction activities would be prohibited between the hours of 8 p.m. to 8 a.m. (DEIR, pp. 4.6-27 to 4.6-28)

Moreover, with the implementation of the Mitigation Measures 4.6.1 through 4.6.6, the Project's noise levels would not exceed the City's daytime standard of 65 dBA. The potential for mitigated Project construction-source noise to result in exposure of persons to, or generation of, noise levels in excess of standards established in the local noise ordinance, is therefore less-than-significant. (DEIR, p. 4.6-29 to 4.6-30)

b) Project Construction Noise - Temporary or Periodic Increase in Ambient Noise Levels

Potential Impact: Whether Project construction activities and associated noise would result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Finding: Based on the entire record before us, the City finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measures 4.6.1 through 4.6.6. (DEIR, p. 4.6-30 to 4.6-33) These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein.

Facts in Support of the Finding: Without mitigation, Project construction-source noise by itself Project construction-source noise by itself and in combination with ambient conditions, would exceed the maximum acceptable ambient condition (65 dBA daytime) at several receptor locations. (DEIR, p. 4.6-30) At two of the receptors, the ambient condition already exceeds the maximum acceptable condition (65 dBA) and unmitigated Project construction-source noise would contribute more than 1.5 dBA to ambient conditions, and would be considered a substantial increase in ambient conditions, and therefore potentially significant. At two other receptors, the ambient condition is within acceptable parameters (less than 65 dBA) and received Project construction-source noise would be perceptible (greater than 3.0 dBA) and would cause the maximum acceptable ambient condition (65 dBA) to be exceeded. This also would be considered a substantial increase in ambient conditions, and therefore potentially significant. In other instances where the ambient plus Project construction noise would exceed the 65 dBA daytime maximum acceptable condition, ambient noise levels already exceed the maximum acceptable condition, and Project contributions to ambient noise levels would be less than 1.5 dBA. In these instances, the Project's increase in ambient noise conditions would therefore be less-than-significant. (DEIR, p. 4.6-32)

With the implementation of Mitigation Measures 4.6.1 through 4.6.6, mitigated Project construction-source noise levels at potentially affected receptors would not exceed acceptable ambient conditions. Further, in all instances, Project construction noise as mitigated would contribute less than 1.5 dBA to ambient conditions. As mitigated, the potential for Project construction-source noise to result in a substantial temporary increase in ambient noise levels in the Project vicinity above levels existing without the Project is therefore less-than-significant. (DEIR, p. 4.6-33)

c) Cumulative Impacts Related to Noise

Potential Impact: Whether implementation of the proposed Project could result in a cumulative significance increase in ambient noise levels in the Project vicinity due to Project operations.

Finding: Potential Project-related Noise impacts are discussed in detail in section 4.6 of the DEIR. In addition, Section 5.1.1.6 of the DEIR discusses the cumulative impacts related to noise. Based on the entire record before us, the City finds that the Project's contributions to these impacts are not cumulatively considerable. (DEIR, p. 5-30 to 5-38)

Facts in Support of the Finding: Compliance with regulations and application of mitigation measures would reduce Project construction-source noise to levels that are less-than-significant, and would not be cumulatively considerable. Project stationary/area-source noise impacts would also be less-than-significant and not cumulatively considerable. Noise increases along certain roadway segments within the Study Area would be cumulatively significant over the time frame 2018 to 2035; however these impacts would occur irrespective of the Project, and the Project's contributions to these impacts would be less than 1.5 dBA CNEL, and therefore not cumulatively considerable. (DEIR, p. 5-37)

- **Construction Noise:** As discussed in detail in Section 4.6 of the EIR, the Project's mitigated construction-source noise levels received at nearby properties would conform to City noise standards, and would therefore be less-than-significant as mitigated. There are no known or probable off-site noise sources that would interact with, or compound, noise generated by Project construction activities and therefore determined to be cumulatively significant. (DEIR, pp. 4.6-25 to 4.6-33; 5-30)

Further, Project construction-source noise in combination with ambient noise would not result in cumulatively significant noise impacts. In this latter regard, the peak mitigated Project construction-source noise levels when added to ambient conditions would temporarily increase noise levels by less than 0.3 dBA and would not be discernible against background conditions. (DEIR, p. 5-30 to 5-31)

- **Operational Noise - Area Sources:** The Project's area-source operational noise levels are determined to be less-than-significant. There are no known or probable off-site noise sources that would interact with, or compound noise generated by Project operations, and therefore determined to be cumulatively significant. (DEIR, p. 5-31)

Further, Project operational-source noise in combination with ambient noise would not result in cumulatively significant noise impacts. In this latter regard, the peak mitigated Project operational-source noise levels when added to ambient conditions would not exceed the maximum acceptable day/night ambient condition. (DEIR, p. 5-31)

- **Operational Noise - Mobile Sources:** As discussed in the DEIR, cumulative effects of vehicular-source noise are demonstrated by comparing noise levels under Opening Year (2018) conditions, to noise levels with the Project under General Plan Buildout (Post-2035) conditions. Cumulative vehicular-source noise impacts within the Project Noise Impact Analysis Study Area were estimated employing a computer program that replicates the Federal Highway Administration (FHWA) Traffic Noise Prediction Model- FHWA-RD-77-108.6 Cumulative vehicular-source noise impacts are summarized at Table 5.1-9. (DEIR, p. 5-31)

When considering the cumulative effects of vehicular-source noise, the City's 65 dBA CNEL standard reflected in the City General Plan is defined as the maximum acceptable ambient condition. When ambient noise conditions are within acceptable parameters (65 dBA CNEL) and cumulative effects of vehicular-source noise would exceed 65 dBA CNEL, cumulative increases in ambient conditions could adversely affect area land uses, and land/use noise compatibility standards may not be maintained. Cumulative vehicular source noise that would cause ambient conditions to exceed 65dBA CNEL would, on this basis, be considered potentially significant. (DEIR, pp. 5-31 to 5-32)

If, however, ambient baseline conditions already exceed minimum acceptable standards, subsequent increases in noise levels may be considered cumulatively significant as they would contribute to already deficient conditions. Neither the City nor the State have established a quantified incremental increase in noise levels that could be considered cumulatively significant where ambient conditions may already be considered unacceptable. Guidance in this regard is provided at the federal level through the Federal Interagency Committee on Noise (FICON). (DEIR, p. 5-32)

Based upon FICON guidance, when cumulative ambient noise conditions equal or exceed maximum acceptable standards for vehicular sources (65 dBA CNEL), cumulative noise increases of 1.5 dBA or greater would be cumulatively significant, and Project noise that would contribute 1.5 dBA or more to cumulative noise conditions would be cumulatively considerable. As discussed in detail in the DIER, the potentially significant cumulative vehicular-source noise impacts identified at Table 5.1-9 would occur irrespective of the Project, and the Project's incremental contributions would be less than 1.5 dBA, and would therefore not be cumulatively considerable. Further, the Project's vehicular-source noise contributions to cumulative noise levels would not cause or result in a transition from below 65 dBA CNEL to above 65 dBA CNEL. On this basis, the Project's vehicular-source noise impacts are not cumulatively considerable. (DEIR, 5.32 – 5.33; Table 5.1-9)

4. Hydrology and Water Quality

a) Alterations of Drainage Patterns

Potential Impact: Whether the Project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or

river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding or substantial erosion or siltation on- or off-site; or create or contribute runoff water which would exceed the capacity of the existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or otherwise substantially degrade water quality.

Finding: Potential impacts on Hydrology and Water Quality are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, the City finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measures 4.7.1 and 4.7.2. (DEIR, pp. 4.7-19 to 4.7-25) These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein.

4.7.1 Prior to the issuance of grading permits, the Project Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Moreno Valley, Riverside County Flood Control and Water Conservation District, and Santa Ana Regional Water Quality Control Board for review and approval. The SWPPP shall identify Best Management Practices (BMPs) intended to prevent the release of sediment and pollutants into downstream waterways. Examples of construction BMPs to be incorporated in the Project include, but are not limited to, the following:

- *Silt Fences;*
- *Check Dams;*
- *Gravel Bag Berms;*
- *Street Sweeping and Vacuuming;*
- *Sand Bag Barriers;*
- *Storm Drain Inlet Protection;*
- *Wind Erosion Control;*
- *Stabilized Construction Entrance/Exit; and*
- *Entrance/Outlet Tire Wash.*

Post-construction BMPs to reduce sediments and other pollutants include, but are not limited to, the following:

- *Providing permanent cover to stabilize the disturbed surfaces after construction has been completed;*
- *Incorporating structural BMPs (e.g., grease traps, debris, screens, continuous deflection separators, oil/water separators, drain inlet inserts) into the Project's design to provide detention and filtering of contaminants in urban runoff prior to discharge to stormwater facilities;*
- *Precluding non-stormwater discharges to the stormwater system; and*
- *Performing monitoring of discharges to the stormwater system.*

(DEIR, pp. 4.7-23 to 4.7-24)

4.7.2 Prior to the issuance of grading permits, the Project Applicant shall submit a final Water Quality Management Plan (WQMP) to the City of Moreno Valley, Riverside County Flood Control and Water Conservation District, and Santa Ana Regional Water Quality Control Board for review and approval. The WQMP shall identify Best Management Practices (BMPs) addressing all post-construction pollutant discharges. Examples of BMPs included in the Project's Preliminary WQMP include the following:

Source Control/Non-Structural BMPs

- Education of property owners, operators, tenants, occupants, or employees;
- Street Sweeping of Private Streets and Parking Lots;
- Drainage facility inspection and maintenance;
- Roof Runoff Controls;
- Efficient Irrigation;
- Protection of Slopes and Channels;
- Storm Drain stenciling and signage;
- Trash Storage Areas and Litter Control;
- Irrigation system and landscape maintenance; and
- Loading dock drainage controls.

Site Design/Structural BMPs

- Maximize permeable areas;
- Minimize street, sidewalk, and parking lot aisle widths;
- Maintain natural drainage patterns;
- Incorporate drought-tolerant landscaping;
- On-site ponding areas or retention facilities to increase opportunities for infiltration;
- Convey roof runoff to landscaping/permeable areas prior to discharge to storm drains;
- Drain sidewalks and walkways to adjacent landscaped areas; and
- Integration of landscaping and drainage designs.

(DEIR, pp. 4.7-24 to 4.7-25)

Facts in Support of the Finding: Based on the detailed, site-specific hydrologic modeling presented in EIR Appendix G, the Project's proposed drainage facilities entail those improvements necessary to adequately collect and convey on- and off-site stormwaters, as well as increased stormwater runoff resulting from development of the Project site. With the implementation of Mitigation Measures 4.7.1 and 4.7.2, the potential for the Project to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, result in substantial erosion or siltation on- or off-site, create or contribute runoff water which would exceed the capacity of the existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff, or

otherwise substantially degrade water quality is determined to be less-than-significant. (DEIR, p. 4.7-23.)

- Project Stormwater Management System Addresses Potential Post-Development Hydrologic Impacts: As discussed in detail in the Draft EIR, the Project incorporates all necessary drainage and stormwater management systems, and will comply with all stormwater system design, construction, and operational requirements mandated under the City Municipal Code and within regulations established by other agencies, such as the SARWQCB and California Department of Water Resources. In combination, the Project's stormwater management components, implementation of Mitigation Measures 4.7.1 and 4.7.2, and compliance with regulatory requirements act to preclude potentially adverse drainage and stormwater runoff impacts. (DEIR, p. 4.7-19)

The Project stormwater management system will be developed and operated in compliance with City/SARWQCB regulations and water quality standards. The Project will provide connection to existing and proposed drainage systems in the least invasive manner possible. Design, configuration, and locations of proposed drainage system improvements will be reviewed and approved by the City/RWQCB prior to, or concurrent with, application for grading permits. (DEIR, p. 4.7-21)

Implementation of the Project stormwater management system would maintain existing drainage patterns and would not increase runoff in a manner which would exceed the capacity of the existing or planned stormwater drainage systems. (DEIR, p. 4.7-21)

- Project SWPPP and Compliance with Regulatory Requirements Address Construction-Source Water Quality Impacts: In accordance with NPDES requirements, the Project Applicant will be required to prepare a construction activities erosion control plan to alleviate potential sedimentation and stormwater discharge contamination impacts of the Project. (DEIR, p. 4.7-21) The Applicant shall also be responsible for compliance with the General Construction NPDES permit from the SARWQCB by filing a Notice of Intent to Commence Construction Activities. Under the General Construction Permit, discharge of materials other than stormwater is prohibited. The Applicant shall prepare, retain at the construction site, and implement a SWPPP which identifies the sources of sediments and other pollutants that affect the quality of stormwater discharge, and implement practices to reduce sediment and other pollutants to stormwater discharge. The SWPPP also identifies both construction and post-construction BMPs to reduce sediments and other pollutants. (DEIR, p. 4.7-21) Implementation of the Project SWPPP and compliance with applicable NPDES and SARWQCB requirements, as required by Mitigation Measure 4.7.1, below, will ensure that potential construction-source water quality impacts of the Project are reduced below the level of significance. (DEIR, p. 4.7-22.)
- Project WQMP and Compliance with Regulatory Requirements Address Operational-Source Water Quality Impacts: Recognizing the potential hazards of

urban runoff, the EPA has issued regulations which require municipalities to participate in the NPDES. As part of this program, the SARWQCB has issued an NPDES permit for urban runoff to the RCFCWCD, and the City of Moreno Valley has been established as a co-permittee. Compliance with the provisions specified in the NPDES permit ensures proper management and disposal of urban runoff from the Project. (DEIR, p. 4.7-22)

The Project Applicant shall be responsible for obtaining a General Permit for stormwater discharge from the SARWQCB, in accordance with the Notice of Intent instructions. Under the General Permit, discharge of materials other than stormwater is prohibited. In support of the above requirements, the Project Applicant shall also develop and implement a Project-specific WQMP addressing all post-construction pollutant discharges. A draft of the Project WQMP is included at EIR Appendix G. As required under Mitigation Measure 4.7.2, below, the Project will be required to submit a final WQMP prior to the issuance of grading permits. (DEIR, p. 4.7-22)

Based on compliance with applicable NPDES requirements, and implementation of the Project WQMP to include any additional requirements stipulated by the City and/or SARWQCB as required under Mitigation Measure 4.7.2, the potential for the Project to result in a potential for discharge of stormwater pollutants from post-construction activities, otherwise result in any other potential impacts to stormwater runoff from post-construction activities, or otherwise substantially degrade water quality would be reduced below the level of significance. (DEIR, p. 4.7-23)

5. Geology and Soils

a) Project Impacts to Geology and Soils

Potential Impact: Whether the Project located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Whether the Project be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2010)¹, thereby creating substantial risks to life or property.

Finding: Potential impacts on Geology and Soils are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, the City finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measure 4.8.1. (DEIR, pp. 4.8-7 to 4.8-9) This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein.

4.8.1 Design and development of the Project shall comply with recommendations and performance standards identified within the Final Geotechnical Investigation. Where the Project Geotechnical Investigation is silent, requirements of the California Building Code as adopted and implemented by the City shall prevail. (DEIR, p. 4.8-8)

Facts in Support of the Finding: As discussed in detail in the EIR, through established Site Plan, Building Permit, and Certificate of Occupancy requirements, the City will verify that required design and construction measures are incorporated throughout Project development and are functionally implemented in the completed structures and facilities. Accordingly, it is anticipated that any site-specific geologic constraints which may be encountered during the course of Project implementation can be mitigated to a less-than-significant level within the context of the findings and recommendations of the Project Geotechnical Investigation, existing City/CBC seismic design regulations, standards, and policies, and implementation of Mitigation Measure 4.8.1. (DEIR, pp. 4.8-7 to 4.8-9)

b) Cumulative Impacts to Geology and Soils

Potential Impact: Whether implementation of the proposed Project could result in significant cumulative impacts to geology and soils.

Finding: Potential Impacts to Geology and Soils are discussed in detail in Section 4.8 of the DEIR. In addition, Section 5.1.1.8 of the DEIR discusses cumulative impacts related to geology and soils in particular. Based on the entire record before us, the City finds that cumulative impacts to Geology and Soils are potentially significant but can be mitigated to a less than significant level with implementation of Mitigation Measure 4.8.1. (DEIR, pp. 5-40 to 5-41)

Facts in Support of the Finding: The Project site and all of Southern California lie within a seismically active area, generally subject to earthquake hazards, and in this sense, Southern California is considered the cumulative impact area for geology and soils considerations. As discussed at EIR Section 4.8, the Project's potential geology and soils impacts are determined to be less-than-significant as mitigated. No unique geologic features are present within the Project site or vicinity. (DEIR, p. 5.40)

The Project would result in the construction of new commercial/retail land uses. Infrastructure improvements and utility extensions within the Project area would include: transportation system improvements, water, sewer, gas, electricity, and storm drainage facilities. Commercial communications services would also be provided to the Project. (DEIR, p. 5.40)

Based on the creation and occupation of additional uses and implementation of supporting infrastructure described above within a generally active seismic area, the Project would therefore incrementally increase concentrations of persons, structures, and infrastructure systems on a previously undeveloped site within an earthquake-prone region. Within the cumulative impact area, increased exposure to seismic effects as a result of new development (including the Project) are reduced to levels that are less-than-significant through application of development-specific mitigation measures, together with application of standard seismic design and engineering practices, requirements of the California Building Code (CBC) and State Seismic Mapping Act, and applicable local building standards. Similarly, potential cumulative impacts related to erosion, subsidence, shrinkage, expansion, and soil consolidation are mitigated through conformance with local, regional, state, and federal permitting and regulatory

requirements. Locally and regionally, project-by-project compliance with seismic design and engineering standards, soil conservation and erosion protection is mandated through existing regulations and requirements, thereby reducing potential cumulative geology and soils impacts within the region. (DEIR, p. 5-40 to 5-41)

With the application of proposed mitigation, the Project's potential contribution to cumulative impacts in regard to geology and soils is not considerable, and the cumulative effects of the Project are determined to be less-than-significant. (DEIR, p. 5.41)

6. Biological Resources

a) Project Impacts Related to Biological Resources

Potential Impact: Whether the Project has a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife (CDFW, formerly California Department of Fish and Game) or U.S. Fish and Wildlife Service (USFWS).

Finding: Potential impacts on Biological Resources are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, the City finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measures 4.9.1 and 4.9.2. (DEIR, pp. 4.9-13 to 4.9-14) These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein.

*4.9.1 Within 30 days prior to disturbance at the Project site, a pre-construction survey shall be conducted for burrowing owl (*Athene cunicularia*), and if owls are present, they can be relocated following accepted protocols to comply with the MSHCP. The findings of the survey shall be submitted to the California Department of Fish and Wildlife. (DEIR, p. 4.9-14)*

4.9.2 To avoid impacts to nesting birds and to comply with the federal Migratory Bird Treaty Act of 1918 (MBTA):

- *If possible, all vegetation removal activities shall be scheduled from August 1 to February 15, which is outside the nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly.*
- *If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist 72 hours prior to clearing. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the qualified biologist.*

The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist shall be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed. (DEIR, p. 4.9-14; FEIR, p. 3-78)

Facts in Support of the Finding: As discussed in detail in the EIR, no special status plant species were found onsite during the biological survey. Thus, no significant impacts relative to special status plant species are anticipated as a result of site development. (DEIR, p. 4.9-13)

Two special status wildlife species, California horned lark (*Eremophila alpestris actia*) and burrowing owl (*Athene cunicularia*), were observed onsite. A small flock of larks occurred in the non-native grassland at the site, but nesting was not confirmed. A single burrowing owl was detected during the winter site visit and suitable burrows were present onsite. However, burrowing owls were absent during the focused surveys conducted in spring. Potential impacts to these species are considered potentially significant. (DEIR, p. 4.9-13)

With application of mitigation, the potential for the Project to substantially affect, either directly or through habitat modifications, any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS is considered less-than-significant. (DEIR, p. 4.9-14)

b) Cumulative Impacts Related to Biological Resources

Potential Impact: Whether implementation of the proposed Project could result in significant cumulative impacts related to biological resources.

Finding: Potential impacts of the Project on Biological Resources are discussed in detail in Section 4.9 of the DEIR. In addition, Section 5.1.1.9 of the DEIR discusses cumulative impacts related to biological resources in particular. Based on the entire record before us, the City finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measures 4.9.1 and 4.9.2. (DEIR, pp. 5-41 to 5-43)

Facts in Support of the Finding: Mitigation proposed in the EIR reduces potential impacts to biological resources to levels that are less-than-significant. In this regard, mitigation of Project-specific biological resources impacts would also reduce the Project's potential incremental contributions to cumulative biological resources impacts within the region to levels that are not cumulatively considerable, and the cumulative effects of the project are determined to be less-than-significant. (DEIR, p. 5-43)

- **Sensitive Plant Species:** No potentially significant impacts to special interest plant species would result from implementation and operation of the Project, and no mitigation is required. (DEIR, p. 5-42)

- Wildlife Species: Potential impacts to the California horned lark and burrowing owl (who were observed during site surveys) are considered potentially significant. However, mitigation for nesting birds and for protection of the burrowing owl is included in the EIR, reducing impacts to these potentially affected wildlife species to levels that are less-than-significant. (DEIR, p. 5-42)
- Jurisdictional Areas: No jurisdictional areas or wetlands occur within the Project site. No potentially significant impacts to jurisdictional areas would result from implementation and operation of the Project, and no mitigation is required. (DEIR, p. 5-42)
- Wildlife Movement Corridors: Based on its location within an urban context, the potential for the site to function as a significant wildlife movement corridor is considered low. No potentially significant impacts to wildlife movement corridors would result from implementation and operation of the Project, and no mitigation is required. (DEIR, p. 5-42)
- Nesting Birds: The Project site provides suitable habitat for ground-nesting birds. Nesting birds are universally protected under provisions of the Migratory Bird Treaty Act. The Project would comply with applicable provisions of the Act as specified in the mitigation measures presented at EIR Section 4.9, Biological Resources. As mitigated, the Project's potential impacts to nesting birds are reduced to levels that are less-than-significant. (DEIR, pp. 5-42 to 5-43)

7. Cultural Resources

a) Archeological and/or Historical Resources

Potential Impact: Whether the Project cause a substantial adverse change in the significance of an archaeological or historic resource as defined in §15064.5.

Finding: Potential impacts on Cultural Resources are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, the City finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measures 4.10.1 and 4.10.2. (DEIR, pp. 4.10-14 to 4.9-15) These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein.

4.10.1 If any prehistoric/historic archaeological resources are encountered during the initial grading and over-excavation phases of construction, the developer will retain a qualified archaeologist to monitor construction activities, and to take appropriate measures to avoid, protect or preserve these resources for study. (DEIR, p. 4.10-15)

4.10.2 If significant Native American cultural resources are discovered for which a Treatment Plan must be prepared, the developer or archaeologist shall contact all appropriate Native American tribal representatives, as

identified by the Native American Heritage Commission. If requested by the Tribe(s), the City, the developer, or the Project archaeologist, the City shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, return of artifacts to tribe, etc.). A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the Applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2. (DEIR, p. 4.10-15)

Facts in Support of the Finding: As discussed in detail in the EIR, no evidence of historic or prehistoric archaeological resources was identified during the site survey. (DEIR, p. 4.10-14) Although the likelihood for prehistoric and/or historic cultural resources to exist onsite is considered low, Mitigation Measures 4.10.1 and 4.10.2 have been incorporated to fully ensure the protection of cultural resources that may be present in a buried context within the Project area. (DEIR, p. 4.15)

b) Unique Paleontological Resources or Geological Features

Potential Impact: Whether the Project directly or indirectly destroy a unique paleontological resources or site or unique geologic feature.

Finding: Potential impacts on Cultural Resources are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, the City finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measure 4.10.3. (DEIR, pp. 4.10-15 to 4.9-16) These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein.

4.10.3 Any excavation exceeding five feet below the current grade shall be monitored by a qualified paleontologist. If older alluvial deposits are encountered at shallower depths, monitoring shall be initialed once these deposits are encountered. A qualified paleontologist is defined as an individual with an M.S. or a Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques. A paleontological monitor may be retained to perform the on-site monitoring in place of the qualified paleontologist. The paleontological monitoring program should follow the local protocols of the Western Center (Hemet) and/or the San Bernardino County Museum and a paleontological monitoring plan should be developed prior to the ground altering activities. The extent and duration of the monitoring can be determined once the grading plan is understood and approved. The paleontological monitor shall have the authority to halt any Project-related activities that may be adversely impacting potentially significant

resources. If paleontological resources are uncovered or otherwise identified, they shall be recovered, analyzed in accordance with standard guidelines, and curated with the appropriate facility (e.g. the Western Center at the Diamond Valley Reservoir, Hemet). (DEIR, p. 4.10-16)

Facts in Support of the Finding: As described in detail in the EIR, the site is relatively flat with no unique geologic features. Excavations within the Project site may impact the older alluvial deposits, which have been identified as sensitive for the presence of fossils in a buried context. Therefore, there is a potential for the Project to yield fossil specimens similar to those identified on other properties in the Moreno/San Jacinto/Perris Valleys areas. Although the recent field survey failed to identify any surface evidence of fossil specimens, Mitigation Measure 4.10.3 would protect paleontological resources that might occur within the Project site. (DEIR, pp. 4.10-15 to 4.10-16)

c) Cumulative Impacts Related to Cultural Resources

Potential Impact: Whether the Project, in conjunction with other planned or approved projects, have a cumulatively considerable impact to cultural resources.

Finding: Potential impacts of the Project on Cultural Resources are discussed in detail in Section 4.10 of the DEIR. In addition, Section 5.1.1.10 of the DEIR discusses cumulative impacts related to cultural resources in particular. Based on the entire record before us, the City finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measures 4.10.1 through 4.10.3. (DEIR, pp. 5-43 to 5-44)

Facts in Support of the Finding: The cumulative impact area for prehistoric, archaeological, and historic resources generally includes the City of Moreno Valley and surrounding areas of Riverside County. Impacts to any cultural resources within this area would be site-specific. Consistent with CEQA requirements, in the event that potentially significant cultural resources are encountered within the cumulative impact area, mitigation measures would be applied to ensure the preservation and protection of potentially significant resources. (CEQA Guidelines §15064.5. et al.) As discussed in EIR Section 4.10, the Project's potential impacts to cultural resources are determined to be less-than-significant as mitigated. In this regard, mitigation proposed for the Project (i.e., monitoring of construction activities for potential discovery of cultural resources) is typical of, and consistent with, mitigation required for construction within urban and suburban areas throughout the City of Moreno Valley and surrounding region. In addition, mitigation of Project-specific cultural resources impacts would also reduce the Project's potential incremental contributions to cumulative cultural resources impacts within the region to levels that are not cumulatively considerable. (DEIR, p. 5-53 to 5-54)

With the application of proposed mitigation measures, the Project's potential contribution to cumulative impacts in regard to cultural resources is not considerable, and the cumulative effects of the Project are determined to be less-than-significant. (DEIR, p. 5-54)

D. IMPACTS ANALYZED IN THE EIR AND DETERMINED TO BE SIGNIFICANT AND UNAVOIDABLE

With the implementation of all available and feasible mitigation measures recommended in the EIR, the following adverse impacts of the Project stated below are considered to be significant and unavoidable, based upon information in the EIR and in the administrative record. These impacts are considered significant and unavoidable despite the imposed mitigation measures which will reduce impacts to the extent feasible.

1. Traffic and Circulation

a) Project Traffic and Circulation Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Finding: Potential impacts of the Project on Traffic and Circulation are discussed in detail in Section 4.3 of the Draft EIR and in the *Moreno Valley Walmart Traffic Impact Analysis, City of Moreno Valley, California (Urban Crossroads, Inc.) March 5, 2015*. Based on the entire record before us, and pursuant to State CEQA Guideline § 15091(a)(1),(2) the City finds that the Project's cumulative impacts to certain intersections, roadway segment capacity, and freeway ramp progression will remain significant notwithstanding imposition of Mitigation Measures 4.3.1 through 4.3.61. Therefore, despite mitigation, impacts to intersections, roadway segment capacity and freeway ramp progression will remain significant and unavoidable.

Existing Plus Project Conditions:

4.3.1 Prior to the issuance of occupancy permits, the Project Applicant shall install the following improvements at the intersection of Perris Boulevard/Santiago Drive (Study Area Intersection 36):

- *Install a traffic signal.*
 - *Construct an eastbound left turn lane.*
- (DEIR, p. 4.3-38)

4.3.2 Prior to the issuance of occupancy permits, the Project Applicant shall install the following improvement at the intersection of Kitching Street/ John F. Kennedy Drive (Study Area Intersection 44):

- *Construct a northbound left turn lane.*
- (DEIR, p. 4.3-38)

Opening Year Plus Project Conditions:

4.3.3 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-215 Southbound Ramps / Cactus Avenue (Study Area Intersection 1):

- Construct a 2nd westbound left-turn lane.
(DEIR, p. 4.3-45)

4.3.4 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-215 Northbound Ramps / Cactus Avenue (Study Area Intersection 2):

- Construct a 2nd northbound left-turn lane.
- Construct a 3rd eastbound through WB left-turn lane.
- Construct a 3rd westbound through lane.
(DEIR, p. 4.3-45)

4.3.5 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Elsworth Street / Cactus Avenue (Study Area Intersection 3):

- Construct a 2nd northbound left-turn lane.
- Remove the southbound (west leg) crosswalk.
(DEIR, p. 4.3-46)

4.3.6 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Frederick Street / Cactus Avenue (Study Area Intersection 4):

- Construct a 3rd eastbound through lane.
(DEIR, p. 4.3-46)

4.3.7 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Graham Street / Cactus Avenue (Study Area Intersection 5):

- Construct a 2nd southbound left turn lane.
- Construct a 2nd eastbound left turn lane.
- Construct a 3rd eastbound through lane.
(DEIR, p. 4.3-46)

4.3.8 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Gentian Avenue (Study Area Intersection 15):

- *Install a traffic signal. Although the intersection does not appear to warrant a traffic signal, no other geometric improvements are anticipated to result in acceptable peak hour operations. As such, it is recommended that the intersection be monitored and a traffic signal be installed at the City Traffic Engineer's discretion.*
 - *Construct a northbound left turn lane.*
 - *Construct a southbound left turn lane.*
 - *Restripe the eastbound right turn lane as a shared through-right turn lane.*
 - *Construct a westbound shared left-through-right turn lane.*
- (DEIR, p. 4.3-46)

4.3.9 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Harley Knox Boulevard (Study Area Intersection 21):

- *Construct a 2nd southbound left turn lane.*
 - *Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing.*
 - *Construct a 2nd eastbound left turn lane.*
 - *Construct a 2nd eastbound through lane.*
- (DEIR, p. 4.3-47)

4.3.10 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound Off-Ramp / Sunnymead Boulevard (Study Area Intersection 24):

- *Restripe the southbound shared left-right turn lane as a 2nd left turn lane.*
 - *Construct a southbound right turn lane.*
- (DEIR, p. 4.3-47)

4.3.11 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Sunnymead Boulevard (Study Area Intersection 26):

- *Implement overlap phasing on the eastbound right turn lane.*
- (DEIR, p. 4.3-47)

4.3.12 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound On-Ramp / Sunnymead Boulevard (Study Area Intersection 27):

- *Construct a roundabout.*
- *Construct an eastbound right turn lane.*

(DEIR, p. 4.3-47)

4.3.13 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Cactus Avenue (Study Area Intersection 31):*

- *Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.*

(DEIR, pp. 4.3-47 to 4.3-48)

4.3.14 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Santiago Drive (Study Area Intersection 36):*

- *Install a traffic signal (same improvement as required under Existing Plus Project condition).*

(DEIR, p. 4.3-48)

4.3.15 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Iris Avenue (Study Area Intersection 37):*

- *Modify the existing traffic signal and implement overlap phasing on the northbound right turn lane.*

(DEIR, p. 4.3-48)

4.3.16 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Krameria Avenue (Study Area Intersection 38):*

- *Restripe the eastbound approach to provide a left turn lane and a shared through right turn lane.*
- *Modify the traffic signal to implement protected left turn phasing for the eastbound and westbound approaches.*

(DEIR, p. 4.3-48)

4.3.17 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Harley Knox Boulevard (Study Area Intersection 41):*

- *Construct a 2nd northbound through lane.*
- *Construct a southbound left turn lane.*
- *Construct a 2nd southbound through lane.*
- *Modify the traffic signal and implement overlap phasing on the southbound right turn lane.*
- *Construct a 2nd eastbound left turn lane.*

- *Restripe the eastbound right turn lane as a shared through-right turn lane.*
 - *Construct a westbound left turn lane.*
 - *Construct a westbound shared through-right turn lane.*
- (DEIR, pp. 4.3-48 to 4.3-49)

4.3.18 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Ramona Expressway (Study Area Intersection 42):

- *Modify the traffic signal and implement overlap phasing on the southbound right turn lane.*
- *Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing.*

(DEIR, p. 4.3-49)

4.3.19 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Kitching Street / Cactus Avenue (Study Area Intersection 43):

- *Construct a 2nd southbound through lane.*

(DEIR, p. 4.3-49)

4.3.20 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / John F. Kennedy Drive (Study Area Intersection 44):

- *Construct a northbound left turn lane (same requirement as required under Existing Plus Project Condition).*
- *Construct a 2nd northbound through lane.*
- *Construct a southbound left turn lane.*
- *Construct a 2nd southbound through lane.*
- *Modify the traffic signal and implement protected left turn phasing for the northbound and southbound approaches.*

(DEIR, p. 4.3-49)

4.3.20.1 Prior to the issuance of building permits, the Project Applicant shall pay requisite DIF/TUMF toward the construction of the improved roadway segment configurations listed at Table 4.3-14.

(DEIR, p. 4.3-54)

General Plan Buildout Plus Project Conditions:

4.3.21 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-215 Southbound Ramps / Cactus Avenue (Study Area Intersection 1):

- *Construct a southbound free-right turn lane.*
- *Construct a 2nd westbound left turn lane (same improvement required under Opening Year Conditions).*

(DEIR, p. 4.3-62)

4.3.22 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-215 Northbound Ramps / Cactus Avenue (Study Area Intersection 2):*

- *Construct a 2nd northbound left turn lane (same improvement required under Opening Year Conditions).*
- *Construct a 2nd northbound through lane.*
- *Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing on the southbound right turn lane.*
- *Re-stripe the existing eastbound shared through right turn lane as the 3rd through lane.*
- *Construct an eastbound right turn lane.*
- *Construct a 3rd westbound through lane (same improvement required under Opening Year Conditions).*
- *Construct a 4th westbound through lane (to trap as the westbound right turn lane onto the I-215 Northbound ramp).*
- *Construct a westbound right turn lane.*

(DEIR, p. 4.3-62)

4.3.23 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Elsworth Street / Cactus Avenue (Intersection 3):*

- *Construct a 2nd northbound left turn lane (same improvement required under Opening Year Conditions).*
- *Remove the southbound (west leg) crosswalk (same improvement required under Opening Year Conditions).*
- *Construct a 3rd eastbound through lane. The 3rd eastbound through lane is consistent with the improvements identified in the City of Moreno Valley Capital Improvement Plan (CIP).*
- *Construct a 4th eastbound through lane.*
- *Construct a 4th westbound through lane.*
- *Modify the traffic signal and implement protected left turn phasing for the northbound and southbound approaches.*

(DEIR, p. 4.3-63)

4.3.24 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Frederick Street / Cactus Avenue (Study Area Intersection 4):*

- Construct a 3rd eastbound through lane (same improvement required under Opening Year Conditions).
 - Construct a 4th eastbound through lane.
- (DEIR, p. 4.3-63)

4.3.25 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Graham Street / Cactus Avenue (Study Area Intersection 5):

- Construct a 2nd southbound left turn lane (same improvement required under Opening Year Conditions).
 - Construct a 2nd eastbound left turn lane (same improvement required under Opening Year Conditions).
 - Construct a 3rd eastbound through lane (same improvement required under Opening Year Conditions).
 - Construct a 4th eastbound through lane.
- (DEIR, p. 4.3-63)

4.3.26 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Heacock Street / Alessandro Boulevard (Study Area Intersection 6):

- Construct a 2nd northbound left turn lane.
 - Construct a 2nd southbound left turn lane.
 - Construct a 4th eastbound through lane.
- (DEIR, p. 4.3-64)

4.3.27 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Heacock Street / Cactus Avenue (Study Area Intersection 7):

- Construct a 2nd southbound left turn lane.
 - Construct a 2nd eastbound left turn lane.
 - Construct a 3rd eastbound through lane.
 - Construct a 2nd eastbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct 3rd westbound through lane.
- (DEIR, p. 4.3-64)

4.3.28 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Heacock Street / Gentian Avenue (Study Area Intersection 9):

- Install a traffic signal.
- Construct a 2nd northbound through lane.
- Construct a 2nd southbound through lane.

(DEIR, p. 4.3-64)

4.3.29 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Webster Avenue / Harley Knox Boulevard (Study Area Intersection 10):*

- *Install a traffic signal. Although the intersection does not appear to warrant a traffic signal, no other geometric improvements are anticipated to result in acceptable peak hour operations. As such, it is recommended that the intersection be monitored and a traffic signal be installed at the City Traffic Engineer's discretion.*
- *Construct a 2nd eastbound through lane.*
- *Construct a 2nd westbound through lane.*

(DEIR, p. 4.3-64)

4.3.30 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Alessandro Boulevard (Study Area Intersection 12):*

- *Construct a 2nd northbound left turn lane.*
- *Construct a 2nd southbound left turn lane.*
- *Construct a 4th eastbound through lane.*
- *Construct a 2nd westbound left turn lane.*
- *Construct a westbound right turn lane.*

(DEIR, p. 4.3-65)

4.3.31 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Indian Street / Cactus Avenue (Study Area Intersection 13):*

- *Construct a 3rd eastbound through lane.*

(DEIR, p. 4.3-65)

4.3.32 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / John F. Kennedy Drive (Study Area Intersection 14):*

- *Construct a northbound right turn lane.*
- *Construct a 2nd southbound left turn lane.*

(DEIR, p. 4.3-65)

4.3.33 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Gentian Avenue (Study Area Intersection 15):*

- *Install a traffic signal (same improvement required under Opening Year Conditions).*
 - *Construct a northbound left turn lane (same improvement required under Opening Year Conditions).*
 - *Construct a southbound left turn lane (same improvement required under Opening Year Conditions).*
 - *Restripe the eastbound right turn lane as a shared through-right turn lane (same improvement required under Opening Year Conditions).*
 - *Construct a westbound shared left-through-right turn lane (same improvement required under Opening Year Conditions).*
- (DEIR, p. 4.3-65)

4.3.34 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Iris Avenue (Study Area Intersection 17):*

- *Construct a 2nd northbound through lane.*
 - *Construct a 2nd southbound through lane.*
 - *Construct a 2nd eastbound through lane.*
 - *Construct a 2nd westbound through lane.*
- (DEIR, p. 4.3-66)

4.3.35 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Krameria Avenue (Study Area Intersection 18):*

- *Install a traffic signal.*
 - *Construct a northbound left turn lane.*
 - *Construct a 2nd northbound through lane.*
 - *Construct a 2nd southbound through lane.*
 - *Construct an eastbound left turn lane.*
 - *Construct an eastbound through lane.*
 - *Construct an eastbound right turn lane with overlap phasing.*
 - *Restripe the westbound right turn lane as a shared through-right turn lane.*
- (DEIR, p. 4.3-66)

4.3.36 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / San Michele Road (Study Area Intersection 19):*

- *Operation of installed traffic signal. Although the signal heads have been installed at this intersection, they are all currently flashing red for an all-way stop operation.*

- Construct two northbound left turn lanes.
 - Construct a 2nd northbound through lane.
 - Construct a northbound right turn lane.
 - Construct two southbound left turn lanes.
 - Construct a southbound right turn lane.
 - Construct an eastbound left turn lane.
 - Construct a 2nd eastbound through lane.
 - Construct two eastbound right turn lanes and modify the traffic signal to implement overlap phasing.
 - Construct a westbound left turn lane.
 - Construct a 2nd westbound through lane.
 - Construct a westbound right turn lane.
- (DEIR, pp. 4.3-66 to 4.3-67)

4.3.37 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Nandina Avenue (Study Area Intersection 20):

- Operation of installed traffic signal. Although the signal heads have been installed at this intersection, they are all currently flashing red for an all-way stop operation.
 - Construct two northbound left turn lanes.
 - Modify the traffic signal and implement overlap phasing on the northbound right turn lane.
 - Construct a southbound left turn lane.
 - Construct a 3rd southbound through lane.
 - Construct a southbound right turn lane.
 - Construct a 2nd eastbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct two westbound left turn lanes.
- (DEIR, p. 4.3-67)

4.3.38 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Harley Knox Boulevard (Study Area Intersection 21):

- Construct a 3rd northbound through lane.
- Construct a 2nd southbound left turn lane (same improvement required under Opening Year Conditions).
- Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing (same improvement required under Opening Year Conditions).
- Construct a 2nd eastbound left turn lane (same improvement required under Opening Year Conditions).

- Construct a 2nd eastbound through lane (same improvement required under Opening Year Conditions).
 - Construct a 3rd eastbound through lane.
 - Construct a 3rd westbound through lane.
 - Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing.
- (DEIR, pp. 4.3-67 to 4.3-68)

4.3.39 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound Off-Ramp / Sunnymead Boulevard (Study Area Intersection 24):

- Restripe the southbound shared left-right turn lane as a 2nd left turn lane (same improvement required under Opening Year Conditions).
- Construct a southbound right turn lane (same improvement required under Opening Year Conditions).

(DEIR, p. 4.3-68)

4.3.40 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / SR-60 Westbound Ramps (Study Area Intersection 25):

- Construct a westbound left turn lane.

(DEIR, p. 4.3-68)

4.3.41 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Sunnymead Boulevard (Study Area Intersection 26):

- Construct a 2nd northbound left turn lane.
- Construct a northbound right turn lane.
- Construct a 3rd southbound through lane.
- Implement overlap phasing on the eastbound right turn lane (same improvement required under Opening Year Conditions).
- Construct two westbound right turn lanes and modify the traffic signal to implement overlap phasing.

(DEIR, p. 4.3-68)

4.3.42 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound On-Ramp / Sunnymead Boulevard (Study Area Intersection 27):

- Construct a roundabout (same improvement required under Opening Year Conditions).

- Construct a northbound left turn lane.
 - Construct a 3rd eastbound through lane.
 - Construct a 3rd westbound through lane.
- (DEIR, p. 4.3-69)

4.3.43 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Eucalyptus Avenue (Study Area Intersection 28):

- Construct a 3rd northbound through lane.
 - Construct a 3rd southbound through lane.
- (DEIR, p. 4.3-69)

4.3.44 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Cottonwood Avenue (Study Area Intersection 29):

- Construct a 3rd northbound through lane.
 - Construct a 3rd southbound through lane.
- (DEIR, p. 4.3-69)

4.3.45 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Alessandro Boulevard (Study Area Intersection 30):

- Construct a 2nd northbound left turn lane.
 - Construct a 3rd northbound through lane.
 - Construct a 3rd southbound through lane.
 - Construct a 2nd eastbound left turn lane.
 - Construct a 3rd eastbound through lane.
 - Construct a 2nd westbound left turn lane.
 - Construct a westbound right turn lane.
 - Modify the traffic signal and implement overlap phasing on the southbound and eastbound right turn lanes.
- (DEIR, p. 4.3-69)

4.3.46 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Cactus Avenue (Study Area Intersection 31):

- Construct a 2nd northbound left turn lane.
- Construct a 3rd southbound through lane.
- Construct a 2nd eastbound left turn lane.
- Construct a 3rd eastbound through lane.

- *Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing (same improvement required under Opening Year Conditions).*
 - *Construct a westbound right turn lane.*
- (DEIR, p. 4.3-70)

4.3.47 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / John F. Kennedy Drive (Study Area Intersection 32):

- *Construct a 2nd northbound left turn lane.*
 - *Construct a northbound right turn lane.*
 - *Construct a 2nd southbound left turn lane.*
 - *Construct a 2nd westbound left turn lane.*
 - *Construct a westbound right turn lane.*
- (DEIR, p. 4.3-70)

4.3.48 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Gentian Avenue (Study Area Intersection 33):

- *Construct a northbound left turn lane.*
 - *Construct an eastbound left turn lane.*
 - *Construct an eastbound shared through-right turn lane.*
 - *Construct a westbound left turn lane.*
- (DEIR, p. 4.3-70)

4.3.49 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Santiago Drive (Study Area Intersection 36):

- *Install a traffic signal (same improvement required under Existing Plus Project and Opening Year Conditions).*
 - *Construct a northbound right turn lane.*
- (DEIR, p. 4.3-71)

4.3.50 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Iris Avenue (Study Area Intersection 37):

- *Construct a northbound left turn lane.*
- *Modify the traffic signal to implement overlap phasing on the northbound right turn lane.*
- *Construct a 2nd southbound left turn lane.*
- *Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing.*

- Construct a 2nd eastbound left turn lane.
 - Construct a 3rd eastbound through lane.
 - Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct a 2nd westbound left turn lane.
 - Construct a 3rd westbound through lane.
 - Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing.
- (DEIR, p. 4.3-71)

4.3.51 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Krameria Avenue (Study Area Intersection 38):

- Construct a 2nd northbound left turn lane.
 - Construct a northbound right turn lane.
 - Construct a 2nd southbound left turn lane.
 - Construct a southbound right turn lane.
 - Construct an eastbound left turn lane.
 - Construct a 2nd eastbound through lane.
 - Construct a 2nd westbound left turn lane.
 - Construct a 2nd westbound through lane.
 - Modify the traffic signal to implement protected left turn phasing for the eastbound and westbound approaches (same improvement required under Opening Year Conditions).
- (DEIR, pp. 4.3-71 to 4.3-72)

4.3.52 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / San Michele Road (Study Area Intersection 39):

- Construct a southbound right turn lane.
 - Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.
- (DEIR, p. 4.3-72)

4.3.53 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Nandina Avenue (Study Area Intersection 40):

- Construct a 2nd eastbound left turn lane.
 - Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.
- (DEIR, p. 4.3-72)

4.3.54 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Harley Knox Boulevard (Study Area Intersection 41):*

- *Construct a 2nd northbound through lane.*
- *Construct a 3rd northbound through lane.*
- *Construct a southbound left turn lane.*
- *Construct a 2nd southbound left turn lane.*
- *Construct a 2nd southbound through lane.*
- *Construct a 3rd southbound through lane.*
- *Modify the traffic signal and implement overlap phasing on the southbound right turn lane.*
- *Construct a 2nd eastbound left turn lane.*
- *Construct two eastbound through lanes.*
- *Construct a westbound left turn lane.*
- *Construct a westbound shared through-right turn lane.*
- *Construct a 2nd westbound through lane.*

(DEIR, pp. 4.3-72 to 4.3-73)

4.3.55 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Ramona Expressway (Study Area Intersection 42):*

- *Construct a 3rd northbound through lane.*
- *Construct a 3rd southbound through lane.*
- *Modify the traffic signal and implement overlap phasing on the southbound right turn lane.*
- *Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing.*

(DEIR, p. 4.3-73)

4.3.56 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / Cactus Avenue (Study Area Intersection 43):*

- *Construct a 2nd northbound left turn lane.*
- *Construct a 2nd southbound through lane.*
- *Construct an eastbound right turn lane.*
- *Construct a westbound right turn lane.*

(DEIR, p. 4.3-73)

4.3.57 *Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / John F. Kennedy Drive (Study Area Intersection 44):*

- *Construct two northbound left turn lanes.*

- Construct a 2nd northbound through lane.
 - Construct a southbound left turn lane.
 - Construct a 2nd southbound through lane.
 - Modify the traffic signal and implement protected left turn phasing for the northbound and southbound approaches.
- (DEIR, p. 4.3-73)

4.3.58 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / Iris Avenue (Study Area Intersection 45):

- Construct a 2nd northbound left turn lane.
 - Construct a northbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct a 2nd southbound left turn lane.
 - Construct a southbound right turn lane.
 - Construct a 2nd eastbound left turn lane.
 - Construct a 3rd eastbound through lane.
 - Construct an eastbound right turn lane.
 - Construct a 2nd westbound left turn lane.
 - Construct a 3rd westbound through lane.
- (DEIR, p. 4.3-74)

4.3.59 Prior to the issuance of building permits, Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Lasselle Street / Iris Avenue (Study Area Intersection 46):

- Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct a westbound right turn lane.
 - Modify the traffic signal to accommodate overlap phasing on the westbound right-turn lane.
- (DEIR, p. 4.3-74)

4.3.59.1 Prior to the issuance of building permits, the Project Applicant shall pay requisite DIF/TUMF toward the construction of the improved roadway segment configurations listed at Table 4.3-18. (DEIR, p. 4.3-83)

4.3.60 Prior to the issuance of building permits, the Project Applicant shall participate in the City's DIF/TUMF programs and in addition shall pay the Project's fair share for the improvements identified at Mitigation Measures 4.3.3 through 4.3.59.1 as presented in Appendix C, Traffic Impact Analysis, Table 9-1. (FEIR, p. 2-1)

4.3.61 Certain of the improvements identified at Mitigation Measures 4.3.3 through 4.3.20 and 4.3.21 through 4.3.59 are proposed for intersections that are located within the City of Perris. Because the City of Moreno Valley does not have plenary control over intersections that are located within the City of Perris, the City of Moreno Valley cannot guarantee that such improvements will be constructed. Thus, the following additional mitigation is proposed: The Project Applicant shall contact the City of Perris and shall offer fair share fee payments; and if accepted, shall pay fair share fees for necessary non-Program traffic improvements (improvements not already included under DIF and/or TUMF Programs) located in the City of Perris. Non-Program improvements and calculated fair share fees shall be as identified at TIA Table 9-1. Offer of fair share fee payments as noted, whether accepted by the City of Perris or not, shall fulfill the Applicant's and the Lead Agency's mitigation responsibilities for Project traffic impacts affecting City of Perris intersections.

Facts in Support of Finding: The Project Applicant would construct improvements and would, where applicable, pay requisite fees to be directed toward completion of necessary off-site traffic intersection and roadway segment improvements within the Study Area. Payment of fees does not assure timely implementation of required improvements. In instances where payment of fees is identified as mitigation, pending completion of required improvements, the Project's contributions to Opening Year (2018) and General Plan Buildout (Post-2035) Intersection Level of Service (LOS) Impacts/Roadway Segment impacts would be considered cumulatively significant. (DEIR, pp. 1-38 and 5-45) More specifically, absent recommended improvements, impacts would be cumulatively significant and unavoidable at Study Area Intersection No.'s 1 through 7; 9, 10, 12 through 15; 17 through 21; 24 through 33; and 36 through 46. (DEIR, pp. 5-13 and 5-45)

Improvements necessary to mitigate Project impacts under Existing + Project Conditions would be constructed by the Project. The Project would also construct all necessary site access and site adjacent roadway improvements as summarized in the EIR Project Description (as discussed in detail in EIR Section 3.4.5, Access/Circulation/Parking). The above-noted improvements would reduce Project impacts to levels that are less-than-significant under Existing + Project Conditions, and would also act to reduce localized cumulative deficiencies under Opening Year + Project Conditions, and General Plan Buildout + Project Conditions. (DEIR, p. 4.3-2)

Additionally, the Project Applicant would pay requisite fees in support of off-site improvements necessary to mitigate the Project's contributions to potentially significant cumulative traffic/circulation system impacts projected to occur under Opening Year + Project Conditions, and General Plan Buildout + Project Conditions. However, as discussed in detail in the DEIR, payment of fees in these instances would not ensure timely completion of off-site improvements. Therefore, pending completion of required circulation system improvements, Project contributions to deficiencies affecting off-site

locations under Opening Year + Project Conditions, and General Plan Buildout + Project Conditions would be considered cumulatively significant and unavoidable. (DEIR, p. 4.3-2)

As discussed in EIR Section 3.0, Project Description, Project implementation would involve the construction of a number of roadway and intersection improvements occurring on or adjacent to the Project site. Under Existing + Project Conditions analyzed in the EIR Traffic Analysis, these improvements would act to avoid or preclude potentially significant impacts to the circulation system in the immediate vicinity of the Project site. These same improvements would, under Opening Year and General Plan Buildout Conditions, act to incrementally reduce localized circulation system cumulative impacts. (DEIR, p. 4.3-21) The improvements that would be constructed by the Project are discussed in detail in Section 4.3.5 of the DEIR. (DEIR, pp. 4.3-21 to 4.3-24) They include improvements to Gentian Avenue and along the Project's frontage on the south side of Gentian Avenue, Perris Boulevard, Santiago Drive and the Project's frontage on the north side of Santiago Drive, and intersection improvements at Perris Boulevard and Santiago Drive and Perris Boulevard and Gentian Avenue. (DEIR, pp. 4.3-21 to 4.3-24) In addition, site-adjacent improvements are proposed to be constructed as part of the Project necessary to ensure safe and efficient access and operating conditions along roadways and at intersections adjacent to the Project site. (DEIR, pp. 4.3-27 to 4.3-29) The Project would also pay all requisite fees directed to the completion of other necessary Study Area traffic improvements at locations where Project traffic would contribute to existing or projected circulation system deficiencies. (DEIR, p. 4.3-29) The DEIR identifies the Required Study Area improvements and associated fee payments for each of the analysis timeframes (Existing, Opening Year, General Plan Build Out). (DEIR, pp. 4.3-29 to 4.3-30)

Existing + Project

- Intersection LOS Analysis: The Project would result in potentially significant impacts at the following Study Area Intersections:
 - Intersection 36, Perris Boulevard at Santiago Drive; and
 - Intersection 44, Kitching Street at John F. Kennedy Drive.

Impacts at the remaining intersections (Study Area Intersections No. 3 and 27) are considered less-than-significant because, although the intersections are currently operating unacceptably and are anticipated to continue to operate unacceptably with the addition of Project traffic, the Project would not contribute more than 50 peak hour trips to these intersections. Based on the significance threshold for intersections already operating at LOS "E" or LOS "F" under pre-Project conditions, impacts at Study Area Intersections No. 3 and No. 27 are considered less-than-significant. With the imposition of *Mitigation Measures 4.3.1 and 4.3.2*, would achieve acceptable LOS at Study Areas 36 and 44 under Existing + Project Conditions. (DEIR, pp. 4.3-35 to 4.3-39; Table 4.3-9)

- Roadway Segment Analysis: The peak hour intersection LOS analysis indicates that the adjacent Study Area intersections along Study Area Roadway segment #135 (Perris Boulevard, north of Harley Knox Boulevard) area anticipated to operate at acceptable LOS, as would the intervening roadway segments. Accordingly, Project traffic would not adversely affect Study Area roadway segment #135 under Existing + Project Conditions and the Project's impacts are considered less than significant. (DEIR, p. 4.3-40)
- Freeway Ramp Progression Analysis: Freeway ramp operations were evaluated for all peak hour periods under Existing + Project Conditions. All Study Area freeway ramps would experience acceptable queue lengths under Existing + Project Conditions. (DEIR, p. 4.3-41)
- Mainline Freeway Segment Analysis: Mainline freeway segment directional volumes for all peak hour periods were analyzed for Existing + Project Conditions. All Study Area freeway segments would operate acceptably under Existing + Project Conditions. (DEIR, p. 4.3-41)
- Freeway Merge/Diverge Analysis: Freeway ramp merge and diverge operations were evaluated for Existing + Project Conditions under all peak hour periods. All Study Area merge and diverge areas would operate at acceptable LOS under Existing + Project Conditions. (DEIR, p. 4.3-41)

Opening Year / Opening Year + Project

- Intersection LOS Analysis: The EIR identifies intersections that are considered to have potentially significant cumulative impacts resulting from existing traffic, ambient traffic growth in the region, traffic generated by known or probable "cumulative projects" and traffic generated by the Project. (DEIR, pp. 4.3-42 to 4.3-44; Table 4.3-11)

Under Opening Year (2018) Conditions, the Project's mitigation responsibilities for its incremental contributions to potentially significant cumulative traffic impacts would be fulfilled through payment of fees directed toward the completion of required improvements. To this end, the Project would contribute applicable fees through the City's DIF program and the County's TUMF program. For improvements not included under these funding mechanisms, the Project would pay fair share fees. Fees collected by the City would be deposited to a dedicated Capital Improvement Project account (or accounts), created for the express purpose of constructing the required improvements. (DEIR, p. 4.3-42)

Mitigation Measures 4.3.3 through 4.3.20 would be implemented to mitigate potentially significant cumulative impacts under Opening Year Conditions consistent with demonstrated demands and pursuant to priorities established through the jurisdictional capital improvements programs. DEIR, p. 4.3-42;

4.3-45 to 4.3-49). The City as the Lead Agency is considered authoritative in determining when and how City improvements should be programmed and implemented to ensure near-term and long-term adequacy of the City roadway system. Similarly, other jurisdictional authorities, e.g., Caltrans, City of Perris, would determine appropriate programming and implementation of required improvements under their control. (DEIR, p. 4.3-42)

Project proportional responsibilities for construction of necessary improvements is addressed through fee payments noted previously. However, depending on jurisdictional improvements priorities and coordination with broader transportation planning objectives, timing of these off-site improvements may or may not coincide with construction and opening of the Project. (DEIR, p. 4.3-45)

Further, within areas that are extra-jurisdictional to the City, or are under shared jurisdictional control, neither the Lead Agency nor the Project Applicant can autonomously construct improvements. Thus, while the physical improvements identified at these extra-jurisdictional or shared-jurisdictional locations may be capable of mitigating potentially significant impacts, these improvements cannot be feasibly implemented or assured by the Project Applicant or the City of Moreno Valley, nor can their timely completion be assured. (DEIR, p. 4.3-45)

In effort to further timely completion of required traffic improvements to the extent practical, Mitigation Measures 4.3.60 through 4.3.64 establish mechanisms to collect and assign Project fees for required traffic improvements identified herein. (DEIR, p. 4.3-45) Completion of the improvements identified under the Existing + Project Conditions analysis together with the implementation of Mitigation Measures 4.3.3 through 4.3.2 would achieve acceptable LOS conditions under Opening Year + Project Conditions. (DEIR, 4.3-49 to 4.3-52; Table 4.3-12)

The Project Applicant would pay all requisite fees, acting to offset the Project's proportional contributions to cumulative traffic impacts projected to occur under Opening Year + Project Conditions. Payment of fees does not however, ensure timely completion of required improvements; and pending completion of the required improvements, Project contributions to cumulative impacts under Opening Year + Project Conditions are recognized as cumulatively significant and unavoidable at all Study Area intersections listed DEIR Table 4.3-11 (Intersections 37, 38, 41, 42, 43 and 44.). (DEIR, p. 4.3-52; Table 4.3-11, p. 4.3-44)

- **Roadway Segment Capacity:** The peak hour intersection analysis presented in the EIR Traffic Impact Analysis substantiates that Study Area intersections along potentially deficient roadway segments are anticipated to operate at acceptable LOS with the incorporation of the intersection

improvements detailed in the EIR mitigation measures. In instances where the required improvements include additional intersection through lanes, correlating roadway segment lane improvements would be required for the roadway segments between the improved intersections. Absent required roadway segment lane improvements, Project traffic impacts to roadway segments between those improved intersections which include additional through lanes would be considered potentially significant under Opening Year + Project Conditions. (DEIR, p. 4.3-53 to 4.3-54; Table 4.3-13)

As analyzed in detail in the EIR and summarized in Table 4.3-14, with completion of the required roadway segment improvements, LOS standards based solely on lane capacities would be achieved for all Study Area roadway segments with the exception of roadway segments 20 through 24. Along roadway segments 20 through 24, cumulative daily traffic volumes under Opening Year + Project Conditions would exceed calculated lane capacities even with implementation of required roadway segments improvements. Along these segments however, controlling intersections as improved would operate at acceptable LOS, indicating that intervening roadway segments would also operate acceptably. On this basis, with the completion of the roadway segment improvements identified at Table 4.3-14, impacts to Study Area roadway segments would be less-than-significant under Opening Year + Project Conditions. (DEIR, p. 4.3-55)

As required under Mitigation Measure 4.3.20.1, the Project Applicant would pay requisite DIF/TUMF toward the completion of improvements necessary to mitigate potentially significant cumulative roadway segment impacts anticipated to occur under Opening Year + Project Conditions, thereby fulfilling the Project's proportional mitigation responsibilities. Notwithstanding, payment of DIF/TUMF does not ensure timely completion of required improvements. Pending completion of the required improvements, Project-related impacts under Opening Year + Project Conditions are recognized as cumulatively significant and unavoidable at all Study Area roadway segments listed on DEIR Table 4.3-14 (Roadway segments 19, 20, 21, 22, 23, 24, 25, 26, 74, 140, 141 and 142). (DEIR, 4.3-54 to 4.3-56.)

- Freeway Ramp Progression: The queue length analysis performed for Opening Year Conditions found that under Without-Project and With-Project Conditions, there would be a potential freeway ramp queuing issue at the I-215 Northbound Ramps at Cactus Avenue during the AM Peak hour. All other freeway ramps that were studied will operate at acceptable levels. (DEIR, p. 4.3-56)
- Mainline Freeway Segment and Merge/Diverge: It was determined that freeway analysis (segment and merge/diverge analyses) was not needed beyond the Existing + Project scenario. This conclusion is based on the Project's nominal contributions to both the I-215 and SR- 60 (less than 25

two-way peak hour trips). The distribution pattern is based on the assumption that the majority of customers to the proposed Project would reside in the local area, given that there is an existing Walmart in Perris (located approximately five miles south of the Project) and in Moreno Valley (approximately four miles to the north). (DEIR, p. 4.3-56)

Although the improvements identified by Mitigation Measure 4.3.4 would alleviate the potential freeway ramp queuing issue at the I-215 Northbound Ramps at Cactus Avenue, the payment of fees does not ensure timely completion of required improvements; and pending completion of the required improvements, Project-related impacts at this location are considered cumulatively significant and unavoidable. (DEIR, p. 4.3-57)

General Plan Buildout / General Plan Buildout

- Intersection LOS Analysis: Intersections with identified deficiencies under General Plan Buildout (without Project) or General Plan Buildout + Project Conditions are presented in DEIR Table 4.3-15. These are considered potentially significant cumulative LOS deficiencies. Where the Project contributions to cumulative LOS deficiencies would be potentially significant, applicable deficiency criteria are noted, and citation to improvements recommended to mitigate these deficiencies is provided. At other potentially affected locations, the Project would pay all requisite fees (TUMF, DIF, and/or Fair Share), acting to offset its proportional impacts. (DEIR, p. 4.3-57)

Under General Plan Buildout Conditions, the Project's mitigation responsibilities for its incremental contributions to potentially significant cumulative traffic impacts would be fulfilled through payment of fees directed toward the completion of required improvements in accordance with Mitigation Measures 4.3.21 through 4.3.59. To this end, the Project would contribute applicable fees through the City's DIF program and the County's TUMF program. For improvements not included under these funding mechanisms, the Project would pay fair share fees. Fees collected by the City would be deposited to a dedicated Capital Improvement Project account (or accounts), created for the express purpose of constructing the required improvements. (DEIR, p. 4.3-61)

Improvements required to mitigate potentially significant cumulative impacts under General Plan Buildout Conditions would be implemented consistent with demonstrated demands and pursuant to priorities established through the jurisdictional capital improvements programs. In these regards, the City as the Lead Agency is considered authoritative in determining when and how City improvements should be programmed and implemented to ensure near-term and long-term adequacy of the City roadway system. Similarly, other jurisdictional authorities, e.g., Caltrans, City of Perris,

would determine appropriate programming and implementation of required improvements under their control. (DEIR, p. 4.3-61)

As discussed with respect to Opening Year + Project, Project proportional mitigation responsibilities for completion of necessary improvements will be addressed through fee payments. However, depending on jurisdictional improvements priorities and coordination with broader transportation planning objectives, timely implementation of improvements under General Plan Buildout + Project Conditions cannot be timely assured. (DEIR, p. 4.3-61) (DEIR, pp. 4.3-61 to 4.3-79)

As detailed in the DEIR (Table 4.3-16), completion of the improvements identified previously under the Existing Conditions and Opening Year analysis, together with additional improvements identified under Mitigation Measures 4.3.21 through 4.3.59 would achieve acceptable LOS conditions. (DEIR, pp. 4.3-74 to 4.3-79; Table 4.3-16)

The Project Applicant would pay requisite fees toward the completion of improvements necessary to mitigate potentially significant cumulative intersection impacts anticipated to occur under General Plan Buildout + Project Conditions, thereby fulfilling the Project's proportional mitigation responsibilities. Notwithstanding, payment of fees does not ensure timely completion of required improvements. Pending completion of required improvements, intersection LOS impacts identified at Table 4.3-16 would be cumulatively significant and unavoidable. (DEIR, p. 4.3-79)

- Roadway Segment Capacity: As detailed in the DEIR, absent required lane improvements, cumulative traffic impacts affecting the roadway segments listed in DEIR Table 4.3-17 under General Plan Buildout + Project Conditions would be potentially significant, and the Project's contributions to these impacts would be cumulatively considerable. (DEIR, pp. 4.3-79 to 4.3-83; Table 4.3-17)

As indicated at DEIR Table 4.3-18, with completion of the required roadway segment improvements, LOS standards based solely on lane capacities would be achieved for all Study Area roadway segments, with the exception of roadway segments 28, 29, 70, 71, 108, 109, 115 and 135. Along roadway segments 28, 29, 70, 71, 108, 109, 115 and 135 cumulative daily traffic volumes under General Plan Buildout + Project Conditions would exceed calculated lane capacities even with implementation of required roadway segments improvements. Along these segments, however, the controlling intersections, as improved, would operate at acceptable LOS indicating that intervening roadway segments would also operate acceptably. On this basis, with the completion of the roadway segment improvements identified at Table 4.3-18, impacts to Study Area roadway segments would be less-than-significant under General Plan Buildout + Project Conditions. It is further noted that the "Improved Roadway

Segment Configuration” identified at Table 4.3-18 is consistent with, or could be implemented within, correlating City of Moreno Valley General Plan Circulation Element roadway cross-sections. (DEIR, 4.3-87; Table 4.3-18)

Consistent with Mitigation Measure 4.3.59.1, the Project Applicant would pay requisite DIF/TUMF toward the completion of improvements necessary to mitigate potentially significant cumulative roadway segment impacts anticipated to occur under General Plan Buildout + Project Conditions, thereby fulfilling the Project’s proportional mitigation responsibilities. Notwithstanding, payment of DIF/TUMF does not ensure timely completion of required improvements. Pending completion of the required improvements, Project-related impacts under General Plan Buildout + Project Conditions are recognized as cumulatively significant and unavoidable at all Study Area roadway segments listed at Table 4.3-18. (DEIR, 4.3-83 to 4.3-88; Table 4.3-18)

- Freeway Ramp Progression: The queue length analysis performed for General Plan Buildout Conditions found that at the following location, potential ramp queues would exceed the ramp length and could result in a potential for periodic spill back onto I-215 mainline segments. (DEIR, p. 4.3-88)

I-215 NB Off-Ramp at Cactus Avenue (NB left-turn exceeds storage pocket length during weekday morning peak hour period). (DEIR, p. 4.3-88)

This impact would occur with or without the addition of Project traffic. Project traffic would, however, contribute to potentially significant weekday morning peak hour queues at the I-215 NB Off-Ramp at Cactus Avenue. All other Study Area freeway ramps would operate acceptably and would not experience unacceptable queue lengths. (DEIR, p. 4.3-88)

Consistent with Mitigation Measure 4.3.4, the Project Applicant would pay requisite fees toward the completion of required at the I-215 Northbound Ramps at Cactus Avenue. Payment of fees would fulfill the Project’s proportional mitigation requirements for cumulative queuing impacts affecting the I-215 Northbound Ramps at Cactus Avenue under General Plan Buildout + Project Conditions. The improvements identified at Mitigation Measure 4.3.4 would, when completed, alleviate the potential freeway ramp queuing issue at the I-215 Northbound Ramps at Cactus Avenue under General Plan Buildout + Project Conditions. However, the payment of fees by the Project Applicant does not ensure timely completion of required improvements. Pending completion of the required improvements, queuing impacts affecting impacts at the I-215 Northbound Ramps at Cactus Avenue under General Plan Buildout + Project Conditions are cumulatively significant and unavoidable. (DEIR, p. 4.3-88 to 4.3-89)

- Mainline Freeway Segment and Merge/Diverge: It was determined that freeway analysis (segment and merge/diverge analyses) was not needed beyond the Existing + Project scenario. (DEIR, p. 4.3-89)

Fee Collection and Assignment Mechanisms: Required improvements are identified for each development/analytic scenario considered in the EIR (Existing [2013] Conditions, Opening Year [2018] Conditions, and General Plan Buildout [Post-2035] Conditions). Requisite fees paid by the Project would be directed to fund the required improvements. Mitigation Measures 4.3.60 through 4.3.64 establish the means for collection and assignment of Project fees, and complement the requirements for the physical improvements identified in previous Mitigation Measures 4.3.3 through 4.3.59.1. In this manner, Mitigation Measures 4.3.60 through 4.3.64 would further collection and assignment of traffic improvements fees to the extent practical, increasing the likelihood that required traffic improvements within the Study Area would be timely completed. (DEIR, p. 4.3-89)

Potential Policy Consistency Impacts: As detailed in Table 4.3-19 of the DEIR, Project would be implemented consistent with applicable provisions of the City's General Plan. Prior to the issuance of building permits, the City will review the final Project site plan and circulation designs to ensure consistency with applicable standards, design guidelines, and Municipal Code requirements. Based on the preceding analysis, the potential for the Project to conflict with any applicable circulation plan, policy, or regulation is considered less-than-significant. (DEIR, pp. 4.3-92 to 4.3-93; Table 4.3-19)

b) Cumulative Impacts Related to Traffic and Circulation

Significant Unavoidable Impact: The DEIR evaluated and concluded that Project, in conjunction with other planned or approved projects, would have a cumulatively considerable impact on traffic and circulation.

Finding: Potential impacts of the Project on Traffic and Circulation are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, pursuant to State CEQA Guidelines § 15091(a)(1),(2) the City finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. Mitigation Measures 4.3.1 through 4.3.64 are incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein. Notwithstanding, payment of traffic impact fees does not ensure timely completion of those traffic improvements necessary to mitigate potentially significant cumulative traffic impacts affecting the study area. Moreover, some of the required improvements and under the jurisdiction and responsibility of another agency (CEQA Guidelines § 15091(a)(1),(2)) Accordingly, the Project's cumulative impacts at intersection and freeway locations identified within the DEIR will remain cumulatively significant and unavoidable. (DEIR, p. 5-13 to 5-23)

Facts in Support of the Finding: As discussed in the DEIR under Sections 4.3 and 5.1.1.3, as a means of mitigating or avoiding Study Area cumulative traffic impacts, the Project Applicant would pay requisite fees (City of Moreno Valley Development Impact Fees [DIF]; Transportation Uniform Mitigation Fee [TUMF], and fair-share fees) for the construction of area traffic improvements. Improvements required to mitigate potentially significant cumulative impacts would be implemented consistent with demonstrated demands and pursuant to priorities established through applicable jurisdictional capital improvements programs. In these regards, the City as the Lead Agency is considered authoritative in determining when and how City improvements should be programmed and implemented to ensure near-term and long-term adequacy of the City roadway system. Similarly, other jurisdictional authorities, e.g., Caltrans, City of Perris would determine appropriate programming and implementation of required improvements. Additionally, the Project Applicant would construct all site adjacent and on-site improvements necessary to ensure that the circulation system directly serving the developed site is functional and safe. (DEIR, p. 5-13)

- **Intersections:** As discussed in detail in the DEIR, under Opening Year with Project conditions, Project traffic would contribute to potentially significant cumulative LOS impacts at a number of intersections (listed on Table 5.1-4). (DEIR, pp. 5-16 to 5-17) In addition, under General Plan Buildout (2035) with Project conditions, Project traffic would contribute to potentially significant cumulative LOS impacts at a number of intersections (listed on Table 5.1-5). (DEIR pp. 5-17 to 5-18) To mitigate incremental contributions to cumulative traffic impacts affecting Study Area intersections, the Project Applicant would pay requisite fees toward the construction of the necessary improvements. Notwithstanding, payment of traffic impact fees does not ensure timely completion of those traffic improvements necessary to mitigate potentially significant cumulative traffic impacts affecting the study area. On this basis, pending completion of required improvements, the Project's contributions to Opening Year (2018) and General Plan Buildout (2035) cumulative LOS impacts at intersections identified above are considered cumulatively significant and unavoidable. (DEIR, p. 5-19)
- **Roadway Segments:** Project-related impacts under Opening Year with Project conditions are recognized as cumulatively significant and unavoidable at a number of roadway segments (listed on Table 5.1-6). (DEIR, pp. 5-19 to 5-20) In addition, Project-related impacts under General Plan Buildout with Project conditions are recognized as cumulatively significant and unavoidable at a number of roadway segments (listed on Table 5.1-7). (DEIR, pp. 5-20 to 5-22) To mitigate incremental contributions to cumulative traffic impacts affecting Study Area roadway segments, the Project Applicant would pay TUMF/DIF toward the construction of the necessary improvements. Notwithstanding, payment of traffic impact fees does not ensure timely completion of those traffic improvements necessary to mitigate potentially significant cumulative traffic impacts affecting the study area. On this basis, pending completion of required improvements, the Project's contributions to Opening Year (2018) and General

Plan Buildout (2035) cumulative impacts at roadway segments identified above are considered cumulatively significant and unavoidable. (DEIR, p. 5-22)

- **Freeway Facilities:** The Project would contribute to cumulative Opening Year and General Plan Buildout freeway ramp progression deficiencies affecting the I-215 Northbound Ramps at Cactus Avenue. The Project Applicant would pay requisite fees toward the completion of improvements at this location recommended pursuant to the EIR mitigation measures. Payment of fees does not, however, ensure timely completion of required improvements; and pending completion of the required improvements, Project-related freeway ramp progression impacts at the I-215 Northbound Ramps at Cactus Avenue are considered cumulatively significant and unavoidable under Opening Year and General Plan Buildout conditions. (DEIR, pp. 5-22 to 5-23)
- **Site Access:** Site access driveways, traffic controls, and on-site circulation improvement concepts proposed by the Project act to reduce potential access and on-site circulation impacts. Final site access and on-site circulation designs would incorporate any additional provisions or modifications suggested within the Project TIA, or as may otherwise be required by the City. City design review processes, and any resultant modifications incorporated in the Project Final Site Plan, would ensure that potential parking, site access, and internal circulation impacts are less-than-significant. On this basis, the Project's potential contribution to cumulative impacts in regard to site access are not considerable, and the cumulative effects of the Project are determined to be less-than-significant. (DEIR, p. 5-23)
- **Payment of Requisite Fees:** To mitigate incremental contributions to cumulative traffic impacts affecting facilities within the Study Area, the Project Applicant would pay requisite fees toward the construction of necessary improvements. Notwithstanding, payment of traffic impact fees does not ensure timely completion of those traffic improvements necessary to mitigate potentially significant cumulative traffic impacts affecting the Study Area. In these instances, while Project-specific traffic impacts would not be individually significant, they would be cumulatively significant. On this basis, pending completion of required improvements, the Project's contributions to Opening Year (2018) and General Plan Buildout (2035) cumulative traffic impacts at intersection and freeway locations are therefore considered cumulatively significant and unavoidable. (DEIR, p. 5-23)

2. Air Quality

On the basis of the analysis presented in the DEIR, even after the application of mitigation measures 4.4.1 through 4.4.5, the Project would generate operational-source emissions of oxides of nitrogen (NO_x) that would exceed applicable South Coast Air Quality Management District (SCAQMD) regional thresholds. This is a significant individual and cumulative air quality impact. Moreover, the Project is located within ozone and PM₁₀/ PM_{2.5} non-attainment areas (NO_x is a precursor to ozone and PM₁₀/

PM_{2.5}). Project operational-source NO_x emissions exceedances would therefore result in a cumulatively considerable net increase in criteria pollutants (ozone and PM₁₀/ PM_{2.5}) for which the Project region is non-attainment. This is a cumulatively significant air quality impact. (DEIR, pp. 4.4-1 to 4.4-2)

Additionally, the Project would be considered inconsistent with the current Air Quality Management Plan (AQMP). This is a Project-level and cumulatively significant impact. (DEIR, p. 4.4-2)

Other potential air quality impacts of the Project are either less-than-significant or can be reduced to levels that are less-than-significant with application of the mitigation measures described in the DEIR. (DEIR, p. 4.4-2)

a) AQMP Inconsistency

Significant Unavoidable Impact: The DEIR evaluated and concluded that the Project could potentially conflict with or obstruct implementation of the applicable air quality plan.

Finding: Project air quality impacts are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, the City finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. (DEIR, pp. 4.4-21 to 4.4-26) Mitigation Measures 4.4.1 to 4.4.5, set forth below, are incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein. Notwithstanding, the Project has a potential to conflict with or obstruct implementation of the applicable air quality plan. There are no mitigation measures available that would avoid or substantially reduce Project inconsistency with land uses and related emissions inventories reflected in the current AQMP. (DEIR, p. 4.4-26)

4.4.1 The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403 and limit fugitive dust emissions:

- *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour;*
- *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day; and*
- *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.*
(DEIR, pp. 4.4-27 to 4.4-28)

4.4.2 Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling. This requirement is based on the California Air Resources Board regulation in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations, which imposes a requirement that heavy duty trucks accessing the site shall not idle for greater than five minutes at any location. This measure applies to construction traffic. (DEIR, p. 4.4-28)

4.4.3 All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. Additionally, during grading activity, total horsepower output for all equipment shall not exceed 16,784 horsepower-hours per day; and the maximum (actively graded) disturbance area shall not exceed five (5) acres per day. (DEIR, p. 4.4-28; FEIR, pp. 3-22 to 3-23)

4.4.4 Prior to the issuance of building permits, the Project Applicant shall submit energy usage calculations showing that the Project is designed to achieve a minimum 10% efficiency beyond then incumbent California Building Code Title 24 requirements. Verification of increased energy efficiencies shall be shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of building permits. Examples of measures that reduce energy consumption include, but are not limited to, the following (it being understood that the items listed below are not all required and merely present examples; the list is not all-inclusive and other features that achieve the required energy efficiency performance standard also are acceptable):

- Increase in insulation such that heat transfer and thermal bridging is minimized;
- Limit air leakage through the structure and/or within the heating and cooling distribution system; Use of energy-efficient space heating and cooling equipment;
- Installation of electrical hook-ups at loading dock areas;
- Installation of dual-paned or other energy efficient windows;
- Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards;

- *Installation of automatic devices to turn off lights where they are not needed;*
 - *Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings;*
 - *Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors;*
 - *Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products.*
- (DEIR, pp. 4.4-31 to 4.4-32)

4.4.5 Enhanced Water Conservation Required: Prior to the issuance of building permits, the Project Applicant shall prepare a Water Conservation Strategy demonstrating a minimum 30% reduction in outdoor water usage when compared to baseline water demand (total expected water demand without implementation of the Water Conservation Strategy).¹ Verification of decreased outdoor water usage shall be documented in CalGreen Code Compliance Worksheets provided by the Applicant, and reviewed and approved by the City prior to the issuance of building permits. Correlating documentation shall be incorporated in the Project landscape plans.

The Project shall also implement the following:

- *Landscaping palette emphasizing drought tolerant plants;*
 - *Use of water-efficient irrigation techniques;*
 - *U.S. Environmental Protection Agency (EPA) Certified WaterSense labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.*
- (DEIR, pp. 4.4-32 to 4.4-33)

Facts in Support of the Finding: The Project Site is located within the SCAB, which is characterized by relatively poor air quality. In the area where the Project is located, SCAQMD is principally responsible for air pollution control and works directly with the SCAG, county transportation commissions, and local governments, as well as state and federal agencies, to reduce emissions from stationary, mobile, and indirect sources to meet state and federal ambient air quality standards. (DEIR, p. 4.4-21)

Currently, these state and federal air quality standards are exceeded in most parts of the Basin. In response, the SCAQMD has adopted a series of Air Quality Management Plans (AQMPs) outlining strategies to achieve state and federal ambient air quality standards. AQMPs are periodically updated to reflect technological advances, recognize new or pending regulations, more effectively reduce emissions, accommodate growth, and minimize any negative fiscal impacts of air pollution control on the economy. (DEIR, p. 4.4-21)

The AQMP was last updated in 2012, and incorporates the latest scientific and technical information and planning assumptions, including the 2012 Regional Transportation Plan/Sustainable Communities Strategy (2012 RTP) and updated emission inventory methodologies for various source categories. (DEIR pp. 4.4-21 to 4.4-22)

Criteria for determining consistency with the AQMP are identified at Chapter 12, Section 12.2 and Section 12.3 of the SCAQMD's CEQA Air Quality Handbook (1993). They are as follows:

- Criterion No. 1: The project under consideration will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.
 - With regard to Criterion No. 1, prior to 2013, the Project site's General Plan Land Use designation was Residential 5. The Residential 5 General Plan Land Use, which is reflected in the 2012 AQMP, would allow for single-family residential development of the subject site, not to exceed 5 dwelling units per acre. In 2013, as part of the larger Alessandro Boulevard Corridor Implementation Project, the City amended the General Plan Land Use designation and related Zone District for the Project site. Specifically, the Project site was re-designated from Residential 5 to Commercial; and the overlying Zone District was amended from Residential 5 (R5) to Community Commercial (CC). (DEIR, pp. 4.4-22 to 4.4-23)

Accordingly, the 2012 AQMP does not reflect the current land use designation for the Project site. Further, the 2012 AQMP air quality standards and interim emissions reductions targets do not reflect the current Project site land use designation. For this reason, there lacks an opportunity to determine whether or not the Project would delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. Although the Project would not result in an increase to the frequency or severity of existing air quality violations or cause or contribute to new violations, because the land use designation contained in the 2012 AQMP is not the current land use designation for the Project site, there is no opportunity to determine whether or not the Project would delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. As the Project's potential to delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP is indeterminate and cannot be assured at this time, for the purposes of this analysis, the Project is considered to be inconsistent with Criterion No.1. (DEIR, p. 4.4-23)

- Criterion No. 2: The project under consideration will not exceed the assumptions in the AQMP in 2011 or increments based on the years of Project build-out phase. (DEIR, pp. 4.4-21 to 4.4-22)

- Criterion No. 2 addresses consistency of a given project with approved local and regional land use plans, and associated potential AQMP implications. The 2012 AQMP does not reflect the most recent land use designation for the Project site. For this reason, there is no basis for a determination that the Project would not exceed the assumptions in the AQMP in 2011 or increments based on the years of Project build-out phase. Consequently, the commercial/retail development of the subject site as proposed by the Project is conservatively assumed to generate operational-source emissions not reflected within the current 2012 AQMP regional emissions inventory for the Basin. Accordingly, the Project is considered to be inconsistent with AQMP Consistency Criterion No. 2 because the land use designation contained in the 2012 AQMP is not the current land use designation for the project site and, therefore, there is no basis for a determination that the Project would not exceed the assumptions in the AQMP in 2011 or increments based on the years of Project build-out phase. (DEIR pp. 4.4-23 to 4.4-24)

The Project would implement development-specific air quality Mitigation Measures 4.4.1 through 4.4.5 identified in this EIR, acting to reduce the Project's construction-source and operational-source air pollutant emissions. Emissions reducing Project design and operational attributes and features identified in this EIR (please refer to EIR Section 3.0, Project Description) would further reduce the Project's potential air quality impacts. (DEIR, p. 4.4-25)

The Project would be designed, constructed and operated consistent with General Plan Objectives and Policies addressing air quality considerations and acting to reduce pollutant emissions within the Basin, (please refer to City of Moreno Valley General Plan, page 9-32, Objective 6.7, and Policies 6.7.1 through 6.7.6). Further, location of the Project proximate to its patronage base, and with immediate access to an urbanized roadway system, would act to reduce vehicle miles traveled and associated mobile source (vehicular) emissions within the Basin. Additionally, Project incorporation of contemporary energy-efficient technologies and operational programs, and compliance with SCAQMD emissions reductions and control requirements act to reduce stationary source air emissions to the extent feasible. (DEIR, p. 4.4-25)

In combination, Project air quality mitigation measures, Project conformance with General Plan Objectives and Policies addressing air quality and air pollutant emissions, and Project emissions-reducing design features, and operational programs are consistent with and support overarching AQMP air pollution reduction strategies. Project support of these strategies promotes timely attainment of AQMP air quality standards, and would bring the Project into conformance with the AQMP to the extent feasible. (DEIR, p. 4.4-25) However, the Project would be inconsistent with AQMP Criterion No's. 1 and 2, resulting in a determination that impacts in this regard would be considered to be potentially significant. This is a Project-level and cumulatively significant impact. (DEIR, p. 4.4-26) There are no mitigation measures available that would avoid or substantially reduce Project inconsistency with land uses and related emissions inventories reflected in the current AQMP. (DEIR, p. 4.4-26)

b) NO_x Regional Threshold Exceedance

Significant Unavoidable Impact: The DEIR evaluated and concluded that Project-related emissions could potentially violate an air quality standard or contribute substantially to an existing or projected air quality violation.

Finding: Project air quality impacts are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, the City finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. (DEIR, 4.4-26 to 4.4-53) Mitigation Measures 4.4.1 to 4.4.5, set forth above, are incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein. Notwithstanding, the Project's potential operational-source emissions will remain significant and unavoidable. (DEIR, pp. 4.4-29 to 4.4-34)

Facts in Support of the Finding: The latest SCAQMD/California Air Pollution Control Officers Association (CAPCOA)-approved version of the California Emissions Estimator Model (CalEEMod, v2013.2.2) was utilized to estimate Project-related air pollutant emissions levels. Project emissions levels were then compared to applicable SCAQMD thresholds in order to determine if air quality standards would be violated; or if Project emissions would contribute substantially to existing or projected air quality violations. (DEIR, p. 4.4-26)

Regional Impacts

- **Construction-Source Air Pollutant Emissions:** As discussed in detail in the DEIR, Project construction-source air pollutant emissions would exceed the applicable SCAQMD regional thresholds for NO_x, which is a potentially significant impact. (DEIR, pp. 4.4-26 to 4.4-27; Table 4.4-4) However, with the implementation of Mitigation Measures 4.4.1 through 4.4.3, mitigated construction-source emissions would not exceed applicable SCAQMD regional thresholds, and would therefore be less-than-significant. (DEIR, pp. 4.4-27 to 4.4-29; Table 4.4-5; FEIR, p. 3-17)
- **Operational-Source Air Pollutant Emissions:** As discussed in detail in the DEIR, Project operational-source emissions would exceed the applicable SCAQMD regional threshold for NO_x. (DEIR, pp. 4.4-29 to 4.4-31; Table 4.4-6) Mitigation Measures 4.4.4 and 4.4.5 would act to reduce the Project operational-source NO_x threshold exceedance to the extent feasible. (DEIR, pp. 4.4-31 to 4.4-32) The mitigation measures would also broadly reduce the Project's other (already less-than-significant) operational-source air pollutant emissions. (DEIR, pp. 4.4-29 to 4.4-31; Table 4.4-6) However, even with the application of mitigation, Project operational-source NO_x emissions would exceed the applicable SCAQMD regional threshold for NO_x. (DEIR, p. 4.4-32; Table 4.4-7) This is a significant impact. (DEIR, p. 4.4-33)

- As set forth in the EIR, NO_x is a byproduct of fuel combustion and the primary source of NO_x emissions from the Project are a result of tail pipe emissions from vehicles accessing the site (approximately 99.9 percent of the Project operational NO_x emissions would be generated by Project traffic). Neither the Project Applicant nor the City has any regulatory control over tail pipe emissions from individual sources. (DEIR, p. 4.4-33) Rather, vehicle tailpipe source emissions are regulated by CARB and USEPA. The amount of NO_x emissions from vehicle sources has been reduced dramatically over the past years and is expected to further decline as clean vehicle and fuel technologies improve. The Project implements all feasible mitigation measures and complies with all applicable SCAQMD Rules directed toward reduction of NO_x emissions. No feasible mitigation measures exist that would further substantively reduce these emissions. While Project operational-source NO_x emissions would exceed SCAQMD regional thresholds, Localized Significance Thresholds (LSTs) for NO_x emissions would not be exceeded. (DEIR, p. 4.4-34; FEIR, p. 3-84)

Localized Impacts

- Construction-Source Emissions LST Analysis: As discussed in detail in the DEIR, maximum daily construction-source emissions would exceed applicable LSTs for PM₁₀ and PM_{2.5}. (DEIR, pp. 4.4-35 to 4.4-39; Table 4.4-9) However, with the implementation of Mitigation Measures 4.4.1 through 4.4.3, maximum daily construction-source emissions would not exceed applicable LSTs. (DEIR, pp. 4.4-39 to 4.4-40; Table 4.4-10)
- Operational-Source LST Analysis: As summarized in the DEIR, Project operational-source emissions would not exceed applicable LSTs. (DEIR 4.4-40; Table 4.4-11) The Project would not result in potentially adverse localized CO concentration or “hot spots.” (DEIR, pp. 4.4-41- 4.4-42.)

As discussed in detail in the DEIR, Project Toxic Air Contaminants (TAC) emissions impacts are considered less-than significant. (DEIR, pp. 4.4-43 to 4.4-52) The Project would generate truck traffic (primarily delivery and service vehicles) a portion of which may be diesel powered. Diesel emissions and diesel particulate matter (DPM) are known carcinogens and could increase area health risks. The Project is required to comply with CARB’s on-site truck idling limit of 5 minutes. (DEIR, p. 4.4-43)

TACs are considered significant if a Health Risk Assessment shows an increased cancer risk of greater than 10 incidents per million population. (DEIR, p. 4.4- 45.) TAC emissions generated by the Project would have less than significant health risk for the residential exposure, as the maximum risk is estimated to be 6.53 in one million, which does not exceed SCAQMD TAC-source cancer risk threshold of 10 in one million. The maximum risk for workers is estimated at 1.35 in one million, which does not exceed the

SCAQMD threshold of 10 in one million in the worker exposure scenario. The maximum risk is estimated at 0.045 in one million for school site exposure, which does not exceed the SCAQMD TAC-source cancer risk threshold of 10 in one million. (DEIR, p. 4.4-47) Non-carcinogenic effects were also determined to be less than significant for residential, worker, and school site exposures. (DEIR, p. 4.4-48; FEIR, p. 3-20 to 3-21) In addition, the Project TAC emissions impacts are not considered cumulatively considerable. (DEIR, p. 4.4-49 to 4.4-52; Table 4.4-15; FEIR, pp. 3-19 to 3-21; 3-88 to 3-90)

c) Contributions to Non-Attainment Conditions

Significant Unavoidable Impact: The DEIR evaluated and concluded that the Project could potentially result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard, including releasing emissions which exceed quantitative thresholds for ozone precursors. (DEIR, pp. 4.4-54 to 4.4-55)

Finding: Project air quality impacts are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, the City finds that this impact is potentially significant, but will be reduced to the extent feasible through implementation of mitigation measures. (DEIR, pp. 4.4-54 to 4.4-55) Mitigation Measures 4.4.4 to 4.4.5 are incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein. Notwithstanding, the Project operational-source emissions of NO_x in exceedance of applicable regional thresholds would result in a cumulatively considerable net increase of criteria pollutants within a non-attainment area. (DEIR, pp. 4.4-54 to 4.4-55)

Facts in Support of the Finding: The Project area is designated as an extreme non-attainment area for ozone, a serious non-attainment area for PM₁₀, and a non-attainment area for PM_{2.5}. Germane to these regional non-attainment conditions, the Project's construction-source emissions would not exceed regional significance thresholds with implementation of Mitigation Measures 4.4.1 through 4.4.3. Project construction-source emissions would therefore not contribute to a cumulatively considerable net increase for PM₁₀, PM_{2.5}, or the ozone precursors VOC and NO_x within the encompassing non-attainment areas. (DEIR, p. 4.4-55)

However, even after application of all feasible mitigation, Project operational-source NO_x would exceed applicable SCAQMD regional thresholds. The fact that the Project generates long-term emissions of the ozone and PM₁₀/ PM_{2.5}precursor NO_x in excess of applicable SCAQMD thresholds indicates that the Project impact is significant on an individual basis and would therefore contribute to cumulatively significant air quality impacts within a non-attainment area. On this basis, Project operational-source emissions of NO_x in exceedance of applicable SCAQMD regional thresholds would result in a cumulatively considerable net increase of in criteria pollutants within a nonattainment area. This is a potentially significant cumulative air quality impact. (DEIR, pp. 4.4-55 to 4.4-56)Mitigation Measures 4.4.4 through 4.4.5 would reduce Project operational-source

NO_x emissions to the extent feasible. Operational-source NO_x emission exceedances would persist however, and would be cumulatively considerable even with the application of mitigation. (DEIR, pp. 4.4-55 to 4.4-56)

d) Cumulative Impacts Related to Air Quality

Significant Unavoidable Impact: The DEIR evaluated and concluded that Project-related

Finding: Cumulative Impacts related to the Project's air quality are discussed in detail in Sections 4.4 and 5.1.1.4 of the DEIR. Based on the entire record before us, the City finds that this impact is potentially significant, but will be reduced to the extent feasible through mitigation measures. (DEIR, pp. 5-24 to 5-29) Mitigation Measures 4.4.1 to 4.4.5 are incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein. Notwithstanding, the Project operational-source emissions of NO_x in exceedance of applicable regional thresholds would result in a cumulatively considerable net increase of criteria pollutants within a non-attainment area. (DEIR, pp. 4.4-54 to 4.4-55) (DEIR p. 5-24 to 5-29)

Facts in Support of the Finding: As discussed in detail in Sections 4.4 and 5.1.1.4 of the DEIR, the cumulative impact area for air quality considerations is generally defined by the encompassing Air Basin and boundaries of the jurisdictional air quality management agency. In this case, the South Coast Air Basin (SCAB, Air Basin) and the South Coast Air Quality Management District (SCAQMD) respectively. (DEIR, p. 5-24)

- **Construction-Source Air Quality Impacts:** As discussed at DEIR Section 4.4, Air Quality, and EIR Appendix D, mitigated Project construction-source air quality impacts would be less-than-significant, and by SCAQMD criteria, not cumulatively considerable. The potential for Project construction-source emissions to result in or cause cumulatively significant air quality impacts is therefore considered less-than-significant. (DEIR, p. 5-24)
- **Operational-Source Air Quality Impacts:** Compliance with existing regulations and application of mitigation measures proposed in this EIR would act to minimize the Project's operational-source pollutant emissions levels. However, no feasible mitigation measures exist which would reduce these impacts to levels that are less-than-significant. Even with application of mitigation, Project operational-source nitrogen oxide (NO_x) emissions would exceed applicable SCAQMD regional thresholds. By SCAQMD criteria, cumulative impacts in these regards are similarly considered to be significant. Operational-source NO_x emissions regional threshold exceedances are therefore determined to be individually significant and cumulatively considerable. (DEIR, p. 5-24)
- **Non-Attainment Impacts:** The Project is located within ozone and PM₁₀/PM_{2.5} non-attainment areas (NO_x is a precursor to ozone and PM₁₀/PM_{2.5}). Over the life of the Project, operational-source NO_x emissions exceedances would result in a cumulatively considerable net increase in criteria pollutants (ozone, PM₁₀ and

PM_{2.5}) for which the encompassing region is non-attainment. These are cumulatively significant air quality impacts. (DEIR, p. 5-25)

- Air Quality Management Plan (AQMP) Consistency Impacts: The Project would be inconsistent with AQMP Criterion No's. 1 and 2, resulting in a determination that impacts in this regard would be considered to be potentially significant. This is a Project-level and cumulatively significant impact. (DEIR, p. 5-25)
- CO Hotspot Impacts: The Project would generate additional vehicular traffic, and therefore would generate mobile source emissions that could cause or contribute to adverse CO concentrations (CO "hotspots"). Potential CO hotspot impacts were evaluated in the Project Air Quality Impact Analysis (EIR Appendix D), and were determined to be less-than-significant. By SCAQMD criteria, less-than-significant CO hotspot impacts at the Project level are not cumulatively considerable. (DEIR, p. 5-25)
- Toxic Air Contaminants (TACs) Emissions Impacts: The South Coast Air Quality Management District (SCAQMD) has conducted an analysis of the cumulative effects of Toxic Air Contaminants (TACs) within the South Coast Air Basin (Basin). This cumulative analysis, Multiple Air Toxics Exposure Study in the South Coast Air Basin (MATES-III), expresses cumulative TAC impacts in terms of potential increased cancer risks. (DEIR, pp. 5-25 to 5-26) As discussed in detail in the EIR, to provide context for, and quantify cumulative TAC effects within the Study Area, the Project TAC-source cancer risk was added to the total background risk derived by the MATES-III study, yielding a maximum potential cumulative TAC-source risk affecting the Study Area. (DEIR, pp. 5-27 to 5-28) The DEIR concluded that the maximum potential cumulative cancer risk within the Study Area is estimated at 601.71 incidents per million. (DEIR, pp. 5-29; Table 5.1-8)

The MATES-III ambient cumulative TAC impact represents approximately 99.9 percent of the total cumulative impact identified at Table 5.1-8; and due to its magnitude when compared to project-level TAC impact significance thresholds, is presumed to be cumulatively significant. The Project would incrementally contribute to this presumably significant cumulative impact. However the Project's incremental contribution of 4.71 incidents per million does not exceed, or even approach the established SCAQMD threshold (ten incidents per million population) at which project-level TAC contributions would be determined cumulatively considerable. On this basis, the Project TAC emissions impacts are not considered cumulatively considerable. (DEIR, p. 5-29)

E. PROJECT ALTERNATIVES

Section 5.2 of the Draft EIR analyzes the following five alternatives to the Project as proposed, and evaluates these alternatives for their ability to meet the Project's goals and objectives. CEQA requires the EIR to include in its evaluation a No Project Alternative. Additionally, CEQA requires an EIR to describe a range of reasonable alternatives to the

Project, which would feasibly attain the basic Project objectives, but would avoid or substantially lessen any of the significant environmental effects of the proposal. Thus, in order to develop a range of reasonable alternatives, the Project objectives must be considered when the City evaluates the alternatives.

Alternatives considered within this analysis include:

- No Project Alternative: No Project/No Build Alternative;
- Reduced Intensity Alternative;
- Alternative Site;
- “No Threshold Exceedance” Alternative for Traffic; and
- “NO_x Threshold Exceedance” Alternative for Air Quality. (DEIR p. 5-45)

As discussed in detail in the EIR, the Alternative Site, No Threshold Exceedance Alternative for Traffic and NO_x Threshold Exceedance Alternative for Air Quality were all rejected. (DEIR pp. 5-57 to 5-59) The EIR alternative analyses present an assessment of the comparative impacts of the No Project and Reduced Intensity Alternatives. (DEIR p. 5-59 to 5-80)

Finding: Although the Reduced Intensity Alternative would be considered the Environmentally Superior Alternative, it would not avoid or substantively reduce any of the significant environmental effects otherwise occurring under the Project. It would broadly and substantively diminish attainment of the Project Objectives, would diminish socioeconomic benefits to the City and region, and would not provide for full productive use of the subject site as would otherwise occur under the Project. The City considers full realization of the Project Objectives, increased socio-economic benefits to the City, and full productive use of the subject site that would be realized under the Project to outweigh incremental decreases in environmental effects that may be accomplished under the Reduced Intensity Alternative. (DEIR, p. 5-80)

1. No Project Alternative: No Project/No Build Alternative

As discussed in detail in the DEIR, the subject site is a vacant and available property absent any significant environmental or physical constraints. Further, the Project site is fully served by proximate available utilities and supporting public services; and is provided appropriate access. Areas around the subject site are developed with, or are being developed with urban uses. (DEIR, pp. 1-30; 5-48 to 5-49)

The Project site’s current General Plan Land Use designation is “Commercial” (C), and current zoning of the Project site is “Community Commercial” (CC). Given the subject site’s Commercial General Plan Land Use designation and overlying Community Commercial zoning designation; availability of infrastructure/services, lack of environmental or physical constraints; and proximity of other urban development, it is considered unlikely that the subject site would remain vacant or in a “No Build” condition, and evaluation of a No Build condition would “analyze a set of artificial assumptions that would be required to preserve the existing physical environment.”

(DEIR, pp. 1-30; 5-49) This is inconsistent with direction provided at CEQA Guidelines, Section 15126.6 (e) (3)(b). (DEIR, p. 1-30)

If however, a hypothetical No Project/No Build scenario were maintained, its comparative environmental impacts would replicate the existing conditions discussions for each of the environmental topics evaluated in this EIR; and comparative impacts of the Project would be as presented under each of the EIR environmental topics. In all instances, a No Build scenario would result in reduced environmental impacts when compared to the Project. A No Build condition would achieve none of the basic Project Objectives. (DEIR pp. 1-31; 5-49)

It is considered unlikely that the subject site would remain vacant or in a “No Build” condition. In this context, failure to proceed with the Project would likely not result in preservation of existing environmental conditions, and the practical result of the Project’s non-approval would be the development of some other variety or configuration of urban uses within the subject site. Accordingly, for the purposes of the EIR Alternatives Analysis, it is presumed that if the Project were not constructed, the No Project Alternative would comprise another proposal representing a mix of commercial/retail uses representative of a typical shopping center, at a development intensity equal to the Project, but without a “big box” or retail grocery use. (DEIR pp; 1-31; 5-49)

The DEIR compares in detail the potential impacts of the No Project Alternative to the Project. (DEIR pp. 5-60 to 5-80)

- Land Use: Impacts would be similar to those of the Project. (DEIR, pp. 5-60 to 5-61; 5-75)
- Urban Decay: Impacts would be similar to those of the Project (DEIR, pp. 5-61; 5-75)
- Traffic and Circulation: As discussed in detail in the DEIR, the No Project Alternative’s traffic impacts would likely be incrementally reduced when compared to the Project, as would the extent of the required mitigation and associated share fee payments. However, absent physical construction of required circulation system improvements, potentially significant cumulative traffic impacts would remain even after payment of mitigation fees. Therefore, significant traffic impacts would likely persist under the No Project Alternative. (DEIR, pp. 5-50 to 5-51)

Trip generation would be incrementally reduced by an estimated 31.7 percent under the No Project Alternative. Related, under the No Project Alternative, the scope of off-site Study Area circulation system improvements may be reduced. However, significant impacts otherwise occurring under the Project would likely persist. (DEIR, pp. 5-62; 5-75)

- Air Quality: Reduction in vehicular trips under the No Project Alternative would also reduce operational mobile-source air pollutant emissions. This would

translate to aggregate reductions in all operational-source air pollutant emissions otherwise occurring under the Project. However, operational-source NO_x emissions thresholds exceedances occurring under the Project would persist under the No Project Alternative. (DEIR, pp. 5-51 to 5-52; Table 5.2-3) Operational-source NO_x emissions would be reduced by an estimated 31.7 percent under the No Project Alternative. NO_x threshold exceedances would however persist, though the extent of these exceedances would be diminished when compared to the Project. (DEIR, pp. 5-63 to 5-64; 5-75)

- GHG Emissions/Global Climate Change: Trip generation would be incrementally reduced by an estimated 31.7 percent under the No Project Alternative. Related, under the No Project Alternative, vehicular-source GHG emissions would be reduced. Already less-than-significant GHG/Global Climate Change impacts of the Project would be further diminished. (DEIR, pp. 5-64 to 5-65; 5-75 to 5-76)
- Noise: Impacts would be similar to those of the Project. (DEIR, pp. 5-66; 5-76)
- Hydrology/Water Quality: Impacts would be similar to those of the Project. (DEIR, pp. 5-67 to 5-68; 5-76)
- Geology and Soils: Impacts would be similar to those of the Project. (DEIR, pp. 5-68; 5-76)
- Biological Resources: Impacts would be similar to those of the Project. (DEIR, pp. 5-69 to 5-70; 5-76)
- Cultural Resources: Impacts would be similar to those of the Project. (DEIR, pp. 5-70; 5-76)
- Relative Attainment of Project Objectives: The No Project Alternative would likely realize the stated Project Objectives by providing a mix of commercial/retail uses at development intensities comparable to the Project. Under the No Project Alternative, a “big-box” anchor use would not be implemented. A lease commitment from some other anchor tenant or tenants would likely be required in order to obtain financing for, and allow development of, the subject site. (DEIR, pp. 5-71 to 5-72; 5-76 to 5-77)

Finding: Under the No Project Alternative, development of the Project will not occur; however, significant traffic impacts and air quality impacts would likely persist under the No Project Alternative. In addition, a big box anchor use would not be implemented and a lease commitment from some other anchor tenant or tenants would likely be required in order to obtain financing for, and allow development of, the site. (DEIR pp. 5-76 to 5-77)

2. Reduced Intensity Alternative

The Project would result in certain significant traffic and air quality impacts. As discussed in detail in the DEIR, there are no feasible alternatives that would completely avoid these impacts. The Reduced Intensity Alternative considered in this EIR would, however diminish the extent of these impacts. (DEIR, p. 1-31; 5-52)

Feasible reduced intensity alternatives would not substantively reduce the Project's significant traffic impacts and were therefore not further considered. More specifically, the Project's significant traffic impacts are cumulative in nature and are a byproduct of the urbanization of the City (including development of the Project site) as envisioned under the City General Plan. That is, development of the City consistent with the General Plan would generate additional traffic, the effects of which would result in interim area wide deficient operating conditions. Development impact fees paid by new development proposals (including the proposed South Moreno Valley Walmart Project) provide the means to resolve these deficiencies. Notwithstanding, interim deficient conditions affecting the existing roadway system are projected to occur pending completion of circulation system improvements commensurate with the development it is intended to support. In this regard, any development of the Project site consistent with the General Plan would generate additional traffic affecting the area roadway system, the effects of which would be cumulatively significant, and similar to those of the Project. A Reduced Intensity Alternative specifically directed toward substantively reducing or eliminating the Project's significant traffic impacts was therefore not considered further. (DEIR, pp. 1-31 to 1-32; 5-52 to 5-53)

In light of the preceding considerations, the Reduced Intensity Alternative considered in the DEIR focuses on alternatives to the Project which would reduce certain significant air quality impacts (elimination of the Project's service station and convenience store). As detailed in EIR Section 4.4, Air Quality, operational-source air pollutants generated by the Project (due primarily to Project traffic and related mobile-source emissions) would exceed SCAQMD regional thresholds for NO_x. The Project's NO_x regional threshold exceedances are individually and cumulatively significant regional air quality impacts. (DEIR, pp. 1-32; 5-53)

However, the Project lies within a region that has been designated "non-attainment" for ozone, and PM₁₀/PM_{2.5}. As such, the above-noted operational exceedances of NO_x (NO_x is a precursor to ozone, PM₁₀, and PM_{2.5}), in combination with emissions generated by other sources affecting the non-attainment area, would result in a cumulatively considerable net increase in ozone, PM₁₀, and PM_{2.5} emissions within the region, which are cumulatively significant air quality impacts. (DEIR, pp. 1-32; 5-53)

As detailed at Section 5.2 of the DEIR, to achieve the SCAQMD regional threshold for NO_x, operational-source NO_x emissions under the Reduced Intensity Alternative would need to be approximately 57.5 percent of NO_x emissions otherwise generated by the Project (a 42.5 percent net reduction in Project operational-source NO_x emissions). In order to achieve this reduction in NO_x emissions, Project trip generation (essentially 100 percent of the Project operational-source NO_x emissions are generated by Project traffic)

and the Project scope would need to be comparably reduced. Such a reduction in scope would effectively negate the Project, and is substantively not the Project proposed and submitted to the Lead Agency for consideration. An alternative that would fully achieve the SCAQMD regional threshold for NO_x emissions was therefore not further considered. (DEIR, pp. 1-32 to 1-33; 5-53 to 5-57)

Even though the estimated 42.5 percent reduction in Project scope necessary to achieve the SCAQMD regional threshold for NO_x emissions is considered infeasible, Project NO_x emissions exceedances could however be incrementally reduced through a reduction in Project scope and Project trip generation of some lesser extent. While this could be achieved through a variety of potential scope reduction schemes, for the purposes of this Alternatives Analysis, the Reduced Intensity Alternative considered in the DEIR reflects elimination of the proposed Parcel 2 uses (Gas Station/Market/Car Wash), and development of the Project site with only the proposed Walmart. In this manner, the Reduced Intensity Alternative provides a readily-envisioned development concept that would reduce the extent of the Project's significant NO_x emissions impacts. Under the Reduced Intensity Alternative evaluated herein, operational-source NO_x emissions otherwise resulting from the Project would be reduced by approximately 20.3 percent. Project operational-source NO_x emissions would however, still exceed applicable SCAQMD regional thresholds and would remain significant. Since the Reduced Intensity Alternative would reduce trip generation otherwise resulting from the Project, the extent of area traffic impacts may also be reduced, but would remain significant. (DEIR, pp. 1-33; 5-53 to 5-57)

The DEIR compares in detail the potential impacts of the Reduced Intensity Alternative to the Project. (DEIR, pp. 5-60 to 5-80)

- Land Use: Impacts would be similar to those of the Project Urban Decay: Elimination of the Project service station/convenience store would tend to reduce competitive sales for these services and could further reduce already less-than-significant urban decay impacts of the Project. (DEIR, pp. 5-60 to 5-61; 5-75)
- Urban Decay: Elimination of the Project service station/convenience store would tend to reduce competitive sales for these services and could further reduce already less-than-significant urban decay impacts of the Project. (DEIR, pp. 5-61; 5-75)
- Traffic and Circulation: The scope of development and trip generation would be incrementally reduced by an estimated 20.3 percent under the Reduced Intensity Alternative. Related, under the Reduced Intensity Alternative, the scope of off-site Study Area circulation system improvements may be reduced, as would proportional fair share fees funding responsibilities for these improvements. The reduced scope of development would also reduce DIF and TUMF responsibilities. However, significant impacts otherwise occurring under the Project would likely persist. (DEIR, pp. 5-62 to 5-63; 5-75)

- Air Quality: Operational-source NO_x emissions would be reduced by an estimated 20.3 percent under the Reduced Intensity Alternative. NO_x threshold exceedances would however persist, though the extent of these exceedances would be diminished when compared to the Project. (DEIR, pp. 5-63 to 5-64; 5-75)
- GHG Emissions/Global Climate Change: Trip generation would be incrementally reduced by an estimated 20.3 percent under the Reduced Intensity Alternative. Related, under the Reduced Intensity Alternative, vehicular-source GHG emissions would be reduced. Already less-than significant GHG/GCC impacts of the Project would be further diminished. (DEIR, pp. 5-64 to 5-66; 5-75 to 5-76)
- Noise: Impacts would be similar to those of the Project. (DEIR, pp. 5-66 to 5-67; 5-76)
- Hydrology/Water Quality: Impacts would be similar to those of the Project. (DEIR, pp. 5-67 to 5-68; 5-76)
- Geology and Soils: Impacts would be similar to those of the Project. (DEIR, pp. 5-68 to 5-69; 5-76)
- Biological Resources: Impacts would be similar to those of the Project. (DEIR, pp. 5-69 to 5-70; 5-76)
- Cultural Resources: Impacts would be similar to those of the Project. (DEIR, pp. 5-70 to 5-71; 5-76)
- Relative Attainment of Project Objectives: Development of the site under the Reduced Intensity Alternative would eliminate the service station/convenience market proposed by the Project. In this regard, the Reduced Intensity Alternative would tend to incrementally diminish attainment of the predominance of the Project Objectives, as listed below:
 - To create a complementary mix of commercial/retail uses;
 - To take advantage of available infrastructure; enhance and improve local infrastructure systems to the benefit of the Project and surrounding areas; and to maximize access opportunities for the convenience of patrons;
 - To provide a commercial/retail development that meets the current unmet demand for goods and services from consumers residing in the trade area and future residential developments;
 - To provide a commercial/retail shopping center that serves the local market area and beyond, and to attract new customers and retailers into the City of Moreno Valley;
 - To provide goods and services at a local site, thereby reducing the number of trips currently being made to shop for these same goods and services at greater distances outside the City of Moreno Valley;

- To provide convenience-oriented retail sale of food, beverage, and related products and convenience-oriented services to the currently underserved area;
 - Improve and maximize economic viability of the currently vacant and underutilized Project site and area through the establishment of a new commercial center;
 - Maximize and broaden the City's sales tax base by providing local and regional tax-generating uses and by increasing property tax revenues;
 - Expand and provide new retail options, with updated, modern and energy efficient buildings, proximate to local consumers by providing daytime and nighttime shopping opportunities in a safe and secure environment;
 - Create additional employment-generating opportunities for the citizens of Moreno Valley and surrounding communities. (DEIR pp. 5-71 to 5-74; 5-76 to 5-78)
- Environmentally Superior Alternative: For the purposes of CEQA, the Reduced Intensity Alternative is considered to be the environmentally superior alternative as it would likely result in the greatest potential reduction in general environmental effects when compared to the Project. (DEIR, pp. 1-36; 5-74) However, as discussed in detail in the DEIR, the Reduced Intensity Alternative would also materially diminish attainment of the Project Objectives. (DEIR, pp. 5-73 to 5-74)
 - Attainment of Project Objectives: Based on the reduction in overall development scope and the elimination of complementary and mutually supporting uses (i.e., the Project's proposed service station/convenience store) the Reduced Intensity Alternative would broadly diminish attainment of all Project Objectives. Where quantifiable, this reduction in attainment of Objectives would tend to reduce sales tax revenues, job creation, and incremental property tax revenues that would otherwise be realized under the Project. (DEIR, p. 5-79)

Qualitatively, development of the subject site with a lone big-box use under the Reduced Intensity Alternative fails to optimize use of a significant vacant commercial property, and as a consequence diminishes the potential for the site to function as a destination commercial/retail venue within the City. Of the Alternatives considered, the Reduced Intensity Alternative is the least effective in achieving the Project Objectives. In these regards, the Reduced Intensity Alternative would not result in the highest and best use of the subject site. (DEIR, p. 5-79)

- Significant Impacts Diminished but Not Eliminated or Avoided: The Reduced Intensity Alternative would diminish, but would not eliminate or avoid the Project's significant air quality and traffic impacts. That is, operational-source NO_x exceedances would be diminished under the Reduced Intensity Alternative; however, operational-source NO_x emissions would still exceed SCAQMD

regional thresholds and would remain significant. Additionally, although trip generation would be reduced under the Reduced Intensity Alternative, traffic impacts affecting Study Area intersections would remain significant. (DEIR, p. 5-79)

- Socio-Economic Considerations: Additionally, CEQA indicates that socioeconomic effects (while not lone determinants) are important considerations for decision-makers in evaluating and considering EIR Alternatives. With respect to socioeconomics, the Project and the Reduced Intensity Alternative would each have beneficial effects for the area. Either of these scenarios would contribute to area employment and the City's overall tax base. However, as noted previously, because the scope and variety of land uses would be reduced under the Reduced Intensity Alternative, the resulting effective realization of the Project Objectives, to include economic benefits to the City and region, would likely be similarly diminished. (DEIR, p. 5-79 to 5-80)

Finding: Although the Reduced Intensity Alternative would be considered the Environmentally Superior Alternative, it would not avoid or substantively reduce any of the significant environmental effects otherwise occurring under the Project. It would broadly and substantively diminish attainment of the Project Objectives, would diminish socioeconomic benefits to the City and region, and would not provide for full productive use of the subject site as would otherwise occur under the Project. The City considers full realization of the Project Objectives, increased socio-economic benefits to the City, and full productive use of the subject site that would be realized under the Project to outweigh incremental decreases in environmental effects that may be accomplished under the Reduced Intensity Alternative. (DEIR, p. 5-80)

3. Alternative Site – Rejected

In the case of the proposed Project, relocation to an Alternative Site within the City of Moreno Valley is not likely to achieve any measurable reduction in the Project's traffic impacts. In this regard, certain of the Project's significant cumulative traffic impacts would occur at, or would require improvement of, Caltrans jurisdictional facilities. Ultimately, planned and programmed improvements to Caltrans facilities would alleviate regionally and locally cumulatively significant impacts, including the Project's contributions to these impacts. Such improvements, however, are beyond the scope and purview of the Lead Agency and the Applicant. If not implemented at the current site, the Project uses would still contribute essentially the same volumes and types of traffic to Caltrans facilities, resulting in significant traffic impacts similar to those of the current Project at its current location; the impacts differentiated principally (if not solely) by their location(s) within the freeway system serving the City. (DEIR, pp. 1-34; 5-58)

Similarly, implementation of area-serving traffic improvements, including intersection signalization and roadway segment widening as envisioned under the City General Plan Circulation Element, is an ongoing process undertaken in conjunction with the development of vacant or underutilized properties throughout the City. As such, it is

highly unlikely that a suitable Alternative Site could be identified that would distribute Project trips only to roadways that have already been improved to their ultimate Moreno Valley General Plan configurations, thus avoiding the Project's significant impacts at area transportation facilities. (DEIR, pp. 1-34; 5-58)

In regard to air quality impacts, the Project's operational-source emissions impacts are regional effects, and location of the Project anywhere within the South Coast Air Basin would result in similarly significant impacts. Relocation of the Project to an alternative site within the City would therefore not substantively reduce the Project's operational-source emissions impacts. (DEIR, pp. 1-35; 5-58)

Accordingly, the analysis of an Alternative Site was not considered further. (DEIR, pp. 1-35; 5-59)

4. "No Threshold Exceedance" Alternative for Traffic – Rejected

While specific improvements identified in the Traffic Impact Analysis and summarized at Draft EIR Section 4.3 could provide a physical solution to identified significant traffic impacts, the improvements cannot be timely assured. Any measurable additional traffic contributed to these intersections would result in significant traffic impacts, requiring some manner of currently infeasible mitigation. In that any development of the subject site or at a viable Alternative Site would generate trips likely affecting some or all of the referenced intersections, an alternative to the Project developed specifically to alleviate significant traffic impacts at significantly affected intersections was not further evaluated. (DEIR pp. 1-35; 5-59)

5. "NO_x Threshold Exceedance" Alternative for Air Quality – Rejected

As discussed in detail in the DEIR, in order to reduce Project operational-source NO_x emissions to levels that would avoid the exceedance of applicable SCAQMD thresholds, the Project scope and related vehicle trips would need to be reduced by an estimated 42.5 percent. At such a reduction in scope, the Project Objectives would be substantively marginalized and/or not realized in any meaningful sense; and the Project would likely not be further pursued by the Applicant. In terms of its practical application, such a reduction in scope would constitute a "no build" condition. For these reasons, an alternative based on a scenario developed specifically to achieve SCAQMD regional operational emissions thresholds for NO_x was not further considered. (DEIR, pp. 1-35; 5-59)

F. GROWTH INDUCING IMPACTS

CEQA requires a discussion of the ways in which a project could be growth inducing. This topic is discussed in Section 5.3 of the DEIR. (Public Resources Code, §21100, subd. (b)(5); CEQA Guidelines, § 15126, subd. (d), 15126.2, subd (d).) The CEQA Guidelines identify a project as growth-inducing if it would foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Under CEQA, growth inducement is not considered

necessarily detrimental, beneficial, or of significance to the environment. New employees from commercial or industrial development and new population from residential development represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area. (DEIR, p. 5-80)

A project could indirectly induce growth by reducing or removing barriers to growth, or by creating a condition that attracts additional population or new economic activity. However, a project's potential to induce growth does not automatically result in growth. Growth can only happen through capital investment in new economic opportunities by the private or public sectors. Development pressures are a result of economic investment in a particular locality. These pressures help to structure the local politics of growth and the local jurisdiction's posture on growth management and land use policy. The land use policies of local municipalities and counties regulate growth at the local level. (DEIR, pp. 5-80 to 5-81)

Impacts related to growth inducement would also be realized if a project provides infrastructure or service capacity which accommodates growth beyond the levels currently permitted by local or regional plans and policies. In general, growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth significantly affects the environment in some other way. (DEIR, p. 5-81)

The Project does not directly result in any significant population growth. The Project does not proposed the creation of housing or a change in land use that would result in any additional residential development and population growth beyond that anticipated under the City General Plan. The Project would, however, create additional employment opportunities, also a potential direct growth-inducing effect. The extent to which new jobs opportunities are filled by the existing resident population tends to reduce any growth-inducing effect of a project. (DEIR, p. 5-81)

The Project would result in the creation of new commercial/retail uses and associated employment opportunities. However, because development of the Project is consistent with that anticipated under the General Plan, the 300 to 320 jobs which may be created would also be consistent with additional employment opportunities and related growth anticipated under the General Plan. (DEIR, p. 5-81)

Investment in the Project would have local and regional economic impacts which may result in indirect growth-inducing effects. The Project's potential economic benefits could indirectly result in employment growth in the region. This growth, in combination with other anticipated employment growth in the region, could indirectly result in population growth and an increased demand for housing. Such growth has a variety of potential effects on the physical environment, including but not limited to, effects on air quality, ambient noise levels, traffic impacts, and water quality. As discussed previously, additional employment opportunities created by the Project would not result in unanticipated population growth within the City and region. However, the Project, in

combination with other planned or anticipated projects in the area, would contribute to employment and population growth of the region. (DEIR, p. 5-82)

Development of the Project as envisioned would entail upgrades to infrastructure in the immediate Project vicinity, including abutting roadways. Infrastructure improvements necessitated by the implementation of the Project could serve to facilitate and encourage development of nearby properties; however, certain of the properties adjacent to the Project site are already developed. Further, the characteristics and intensities of development that could occur on properties near the Project site are governed by the City's General Plan. Development of these properties within the context of the approved General Plan should not result in unforeseen or unmitigable impacts. (DEIR, p. 5-82)

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The City of Moreno Valley as the Lead Agency hereby declares that, pursuant to CEQA Guidelines Section 15093, the City has balanced the benefits of the proposed Project against any significant and unavoidable environmental impacts in determining whether to approve the proposed Project. If the benefits of the proposed Project outweigh the unavoidable adverse environmental impacts, those impacts are considered "acceptable."

The City hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in the findings herein. (*See also*, DEIR §4.0 "Environmental Impact Analysis" and §5.4 "Significant Environmental Effects".)

The City hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City hereby declares that to the extent any mitigation measures recommended to the City are not incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City finds outweigh the unmitigated impacts.

The City further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the Project objectives and/or specific economic, social or other benefits that the City finds outweigh any environmental benefits of the alternatives.

The City hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighed the benefits of the Project against its unavoidable significant impact after mitigation, the City has determined that the social, economic and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based upon the following considerations:

- The Project will provide a commercial/retail shopping center that serves the local market area and beyond, and to attract new customers and retailers into the City of Moreno Valley. As part of the Project, a full-service Walmart will be constructed, which will act as the major anchor for the retail center, which will also include either a commercial gas station, convenience store and car wash, or a fast food drive-through restaurant, as well as a destination not only for the City but also for surrounding communities
- The Project will provide goods and services at a local site, thereby reducing the number of trips currently being made to shop for these same goods and services at greater distances outside the City of Moreno Valley.
- The Project will provide a convenient source of grocery and food items to serve the local community. As discussed, the Project includes a full service retail establishment complete with groceries, general merchandise and various services, as well as either a gas station and convenience store and car wash or a fast food drive-through restaurant;
- The Project will provide convenience-oriented retail sale of food, beverage, and related products and convenience-oriented services to the currently underserved area.
- The Project will improve and maximize economic viability of the currently vacant and underutilized Project site and area through the establishment of a new commercial center.
- The Project will maximize and broaden the City's tax base by providing local and regional tax-generating uses resulting in a net fiscal benefit to the City's general fund of approximately \$541,767.00;
- The Project will expand and provide new retail options, with updated, modern and energy efficient buildings, proximate to local consumers by providing daytime and nighttime shopping opportunities in a safe and secure environment. The Project will include a well-lit parking lot, keeping the site safe for the community. The Walmart will be constructed with a number of enhanced building features such as low-flow restroom facilities, the use of skylights and lighting systems to monitor and maximize natural lighting and the use of LEDs; the reclamation of waste heat from refrigeration, and additional water conservation measures including the use of drought tolerant landscaping.
- The Project will create additional employment-generating opportunities for the citizens of Moreno Valley and surrounding communities. The Project will generate construction jobs, as well as upwards of 300 to 320 jobs once the Project is operational.

(See Project Objectives, DEIR, pp. 3-33 through 3-34.)

The City's findings set forth in the preceding sections identified all of the adverse environmental impacts and feasible mitigation measures which can reduce impacts to less than significant levels where feasible, or to the lowest feasible levels where significant impacts remain. The findings have also analyzed five alternatives to determine whether there are reasonable or feasible alternatives to the proposed action, or whether they might reduce or eliminate the significant adverse impacts of the Project. The EIR presents evidence that implementing the development of the Project will cause significant adverse impacts which cannot be substantially mitigated to non-significant levels. These significant impacts have been outlined above and the City makes the following finding:

Finding: Having considered the unavoidable adverse impacts of the Project, the City hereby determines that all feasible mitigation has been adopted to reduce or avoid the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. Further, the City finds that economic, social and other considerations of the Project outweigh the unavoidable adverse impacts described above. The reason for accepting these remaining unmitigated impacts are described below. In making this finding, the City has balanced the benefits of the Project against its unavoidable environmental impacts and has indicated its willingness to accept those effects. The City further finds that the Project's benefits are substantial and override each unavoidable impact of the Project as follows:

1. Findings Related to Air Quality Impacts

Even after compliance with applicable regulations and requirements, and application of Mitigation Measures 4.4.1 through 4.4.5, the Project would result in operational emissions of oxides of nitrogen (NO_x) that would exceed applicable South Coast Air Quality Management District (SCAQMD) regional thresholds. These are significant Project-level and cumulative air quality impacts. Moreover, the Project is located within ozone and PM₁₀/PM_{2.5} nonattainment areas (NO_x is a precursor to ozone and PM₁₀/PM_{2.5}). (DEIR, p. 5-83)

Project operational-source NO_x emissions exceedances would therefore result in a cumulatively considerable net increase in criteria pollutants (ozone, PM₁₀ and PM_{2.5}) for which the region is in non-attainment. These are cumulatively significant air quality impacts. (DEIR, p, 5-83) However, benefits obtained from the Project are sufficient to justify approval of the Project. These impacts are overridden by Project benefits described above in the findings.

2. Findings Related to Traffic Impacts

a) Intersection Level of Service (LOS) Impacts

The Project Applicant would construct improvements and would, where applicable, pay requisite fees to be directed toward completion of necessary off-site traffic improvements within the Study Area. Payment of fees does not assure timely implementation of required improvements. In instances where payment of fees is identified as mitigation, pending completion of required improvements, the Project's contributions to Existing

(2013), Opening Year (2018) and General Plan Buildout (Post-2035) LOS impacts at more than one half of the Study Area intersections would be considered significant. More specifically, absent recommended improvements, impacts would be cumulatively significant and unavoidable at Study Area Intersection No.s 1 through 7; 9, 10, 12 through 15; 17 through 21; 24 through 33; and 36 through 46. (DEIR, p. 5-83)

While implementation of Mitigation Measures 4.3.1 to 4.3.64 would reduce the impacts to these intersections so they operate at an acceptable level of service, payment of fees does not assure timely implementation of required improvements. Accordingly, impacts will remain significant. However, benefits obtained from the Project are sufficient to justify approval of the Project. These impacts are overridden by Project benefits described above in the findings.

b) Freeway Ramp Queuing Impacts

Within the Study Area, Under Opening Year and General Plan Buildout conditions, Project traffic would contribute ramp queuing deficiencies projected to occur at the I-215 Northbound Ramps at Cactus Avenue (Study Area Intersection No. 2). Mitigation Measures 4.3.1 through 4.3.64 and improvements recommended to mitigate potentially significant intersection LOS conditions at this location would also address ramp queuing deficiencies; the Project Applicant would pay requisite fees directed toward the completion of these improvements. Nonetheless, payment of fees cannot assure timely implementation of the required improvements. Accordingly, pending completion of required improvements, the Project's contributions to Opening Year (2018) and General Plan Buildout (Post-2035) ramp queuing deficiencies projected to occur at the I-215 Northbound Ramps at Cactus Avenue would be considered significant. (DEIR, pp. 5-83 to 5-84)

However, benefits obtained from the Project are sufficient to justify approval of the Project. These impacts are overridden by Project benefits described above in the findings.

As the CEQA Lead Agency for the proposed action, the City of Moreno Valley has reviewed the Project description and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, the City finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR and public testimony. The City also finds that a reasonable range of alternatives was considered in the EIR and this document and finds that approval of the Project is appropriate.

The City has identified economic and social benefits and important policy objectives, above, which result from implementing the Project. The City has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, the City finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resources Code section 21002 provides: “In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof.” Section 21002.1(c) provides: “In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency...” Finally, California Code of Regulations, Title 4, 15093 (a) states: “If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

The City hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the DEIR and, therefore, finds those impacts to be acceptable.

VII. CERTIFICATION OF EIR

The City finds that it has reviewed and considered the Final EIR evaluating the proposed Project; that the Final EIR is an accurate and objective statement that fully complies with CEQA and the State CEQA Guidelines; and that the Final EIR reflects the independent judgment of the City of Moreno Valley. The City declares that no new significant information as defined by the State CEQA Guidelines section 15088.5 has been received by the City after circulation of the Draft EIR that would require recirculation. The City certifies the Environmental Impact Report based on the following findings and conclusions:

1. Findings

a) CEQA Compliance: As the decision-making body for the Project, the City has reviewed and considered the information contained in the Findings and supporting documentation. The City determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as a complete and accurate reporting of the unavoidable impacts and benefits of the proposed Project as detailed in the Statement of Overriding Considerations. The City finds that the EIR was prepared in compliance with CEQA and that the City complied with CEQA’s procedural and substantive requirements.

b) Independent Judgment of Lead Agency: The EIR for the Project reflects the City’s independent judgment. While the environmental consulting firm, Applied Planning was retained by applicant, the City has exercised independent judgment in accordance with *Public Resources Code* section 21082.1(c)(3) in the selection of the consultant and directing the consultant in the preparation of the EIR. The City has independently reviewed and analyzed the EIR and accompanying studies and finds that the report reflects the independent judgment of the City of Moreno Valley.

c) Significant Unavoidable Impacts/Statement of Overriding Considerations: The Project would have the potential for creating significant adverse impacts. These significant adverse environmental impacts have been identified in the EIR and will require mitigation as set forth in the Findings. Significant adverse impacts which cannot be mitigated to a less than significant level after mitigation include traffic and circulation and air quality, as discussed in the Findings. The City has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

2. Conclusions

- Except as to those impacts stated above relating to traffic and circulation and air quality, all other significant environmental impacts from the implementation of the proposed Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a less than significant level.
- Alternatives to the proposed Project, which could potentially achieve the basic objectives of the proposed Project, have been considered and rejected in favor of the proposed Project.
- Environmental, economic, social, and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

VIII. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to Public Resources Code section 21081.6, the City of Moreno Valley as the Lead Agency hereby adopts the Mitigation Monitoring and Reporting Program attached to these Findings. In the event of any inconsistencies between the mitigation measures as set forth herein and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

IX. APPROVAL OF THE PROJECT

Based on the entire record before the City of Moreno Valley, including the above Findings and Statement of Overriding Considerations and all written and oral evidence presented to the City, the City of Moreno Valley as the Lead Agency hereby approves the Project with all the mitigation measures and the Mitigation Monitoring and Reporting Program, as set forth in these findings.

X. LOCATION AND CUSTODIAN OF RECORD

These documents and other materials that constitute the record of proceedings on which the City of Moreno Valley as the Lead Agency has based the Findings contained herein are located at the City of Moreno Valley, 14177 Frederick Street, Moreno Valley, CA 92553. The custodian for these documents is Jeffrey Bradshaw, Associate Planner for the City of Moreno Valley. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and State CEQA Guidelines §15091(e).

South Moreno Valley Walmart Project Mitigation Monitoring Plan Record

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<u>Traffic and Circulation</u>							
4.3.1 Prior to the issuance of occupancy permits, the Project Applicant shall install the following improvements at the intersection of Perris Boulevard/Santiago Drive (Study Area Intersection 36): <ul style="list-style-type: none"> • Install a traffic signal. • Construct an eastbound left turn lane. 	Prior to the issuance of occupancy permits.	Applicant.	City of Moreno Valley.	City shall verify completion of improvements at issuance of occupancy permits.			
4.3.2 Prior to the issuance of occupancy permits, the Project Applicant shall install the following improvement at the intersection of Kitching Street/ John F. Kennedy Drive (Study Area Intersection 44): <ul style="list-style-type: none"> • Construct a northbound left turn lane. 	Prior to the issuance of occupancy permits.	Applicant.	City of Moreno Valley.	City shall verify completion of improvements at issuance of occupancy permits.			
4.3.3 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-215 Southbound Ramps / Cactus Avenue (Study Area Intersection 1): <ul style="list-style-type: none"> • Construct a 2nd westbound left-turn lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
4.3.4 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-215 Northbound Ramps / Cactus Avenue (Study Area Intersection 2):	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

Attachment: Exhibit B to PC Reso 2015-26 - Mitigation Monitoring Program (1682 : The South Moreno

South Moreno Valley Walmart Project Mitigation Monitoring Plan Record

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<ul style="list-style-type: none"> Construct a 2nd northbound left-turn lane. Construct a 3rd eastbound through WB left-turn lane. Construct a 3rd westbound through lane. 							
<p>4.3.5 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Elsworth Street / Cactus Avenue (Study Area Intersection 3):</p> <ul style="list-style-type: none"> Construct a 2nd northbound left-turn lane. Remove the southbound (west leg) crosswalk. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.6 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Frederick Street / Cactus Avenue (Study Area Intersection 4):</p> <ul style="list-style-type: none"> Construct a 3rd eastbound through lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

South Moreno Valley Walmart Project Mitigation Monitoring Plan Record

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>4.3.7 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Graham Street / Cactus Avenue (Study Area Intersection 5):</p> <ul style="list-style-type: none"> Construct a 2nd southbound left turn lane. Construct a 2nd eastbound left turn lane. Construct a 3rd eastbound through lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.8 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Gentian Avenue (Study Area Intersection 15):</p> <ul style="list-style-type: none"> Install a traffic signal. Although the intersection does not appear to warrant a traffic signal, no other geometric improvements are anticipated to result in acceptable peak hour operations. As such, it is recommended that the intersection be monitored and a traffic signal be installed at the City Traffic Engineer's 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p><i>discretion.</i></p> <ul style="list-style-type: none"> • Construct a northbound left turn lane. • Construct a southbound left turn lane. • Restripe the eastbound right turn lane as a shared through-right turn lane. • Construct a westbound shared left-through-right turn lane. 							
<p>4.3.9 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Harley Knox Boulevard (Study Area Intersection 21):</p> <ul style="list-style-type: none"> • Construct a 2nd southbound left turn lane. • Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing. • Construct a 2nd eastbound left turn lane. • Construct a 2nd eastbound through lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.10 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of</p>	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/ Agency	Date	
<p>SR-60 Eastbound Off-Ramp / Sunnymead Boulevard (Study Area Intersection 24):</p> <ul style="list-style-type: none"> Restripe the southbound shared left-right turn lane as a 2nd left turn lane. Construct a southbound right turn lane. 							
<p>4.3.11 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Sunnymead Boulevard (Study Area Intersection 26):</p> <ul style="list-style-type: none"> Implement overlap phasing on the eastbound right turn lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.12 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound On-Ramp / Sunnymead Boulevard (Study Area Intersection 27):</p> <ul style="list-style-type: none"> Construct a roundabout.¹ Construct an eastbound right turn lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

¹ The City has recently been awarded a Highway Safety Grant for this intersection, which will be utilized to construct a roundabout.

South Moreno Valley Walmart Project Mitigation Monitoring Plan Record

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>4.3.13 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Cactus Avenue (Study Area Intersection 31):</p> <ul style="list-style-type: none"> Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.14 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Santiago Drive (Study Area Intersection 36):</p> <ul style="list-style-type: none"> Install a traffic signal (same improvement as required under Existing Plus Project condition). 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.15 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Iris Avenue (Study Area Intersection 37):</p> <ul style="list-style-type: none"> Modify the existing traffic signal and implement overlap phasing on the 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
northbound right turn lane.							
<p>4.3.16 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Krameria Avenue (Study Area Intersection 38):</p> <ul style="list-style-type: none"> Restripe the eastbound approach to provide a left turn lane and a shared through right turn lane. Modify the traffic signal to implement protected left turn phasing for the eastbound and westbound approaches. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.17 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Harley Knox Boulevard (Study Area Intersection 41):</p> <ul style="list-style-type: none"> Construct a 2nd northbound through lane. Construct a southbound left turn lane. Construct a 2nd southbound through lane. Modify the traffic signal and implement overlap phasing on the southbound 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

South Moreno Valley Walmart Project Mitigation Monitoring Plan Record

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p><i>right turn lane.</i></p> <ul style="list-style-type: none"> • Construct a 2nd eastbound left turn lane. • Restripe the eastbound right turn lane as a shared through-right turn lane. • Construct a westbound left turn lane. • Construct a westbound shared through-right turn lane. 							
<p>4.3.18 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Ramona Expressway (Study Area Intersection 42):</p> <ul style="list-style-type: none"> • Modify the traffic signal and implement overlap phasing on the southbound right turn lane. • Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.19 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Kitching Street / Cactus Avenue (Study Area Intersection 43):</p> <ul style="list-style-type: none"> • Construct a 2nd southbound through lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>4.3.20 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / John F. Kennedy Drive (Study Area Intersection 44):</p> <ul style="list-style-type: none"> • Construct a northbound left turn lane (same requirement as required under Existing Plus Project Condition). • Construct a 2nd northbound through lane. • Construct a southbound left turn lane. • Construct a 2nd southbound through lane. • Modify the traffic signal and implement protected left turn phasing for the northbound and southbound approaches. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.20.1 Prior to the issuance of building permits, the Project Applicant shall pay requisite DIF/TUMF toward the construction of the improved roadway segment configurations listed at Table 4.3-14.</p>	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.21 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-215</p>	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p><i>Southbound Ramps / Cactus Avenue (Study Area Intersection 1):</i></p> <ul style="list-style-type: none"> • Construct a southbound free-right turn lane. • Construct a 2nd westbound left turn lane (same improvement required under Opening Year Conditions). <p>4.3.22 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-215</p> <p><i>Northbound Ramps / Cactus Avenue (Study Area Intersection 2):</i></p> <ul style="list-style-type: none"> • Construct a 2nd northbound left turn lane (same improvement required under Opening Year Conditions). • Construct a 2nd northbound through lane. • Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing on the southbound right turn lane. • Re-stripe the existing eastbound shared through-right turn lane as the 3rd through lane. • Construct an eastbound right turn lane. • Construct a 3rd westbound through lane (same improvement required under 	<p>Prior to the issuance of building permits.</p>	<p>Applicant.</p>	<p>City of Moreno Valley.</p>	<p>City shall verify payment of fees at issuance of building permits.</p>			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p><i>Opening Year Conditions).</i></p> <ul style="list-style-type: none"> Construct a 4th westbound through lane (to trap as the westbound right turn lane onto the I-215 Northbound ramp). Construct a westbound right turn lane. 							
<p>4.3.23 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Elsworth Street / Cactus Avenue (Intersection 3):</p> <ul style="list-style-type: none"> Construct a 2nd northbound left turn lane (same improvement required under Opening Year Conditions). Remove the southbound (west leg) crosswalk (same improvement required under Opening Year Conditions). Construct a 3rd eastbound through lane. The 3rd eastbound through lane is consistent with the improvements identified in the City of Moreno Valley Capital Improvement Plan (CIP). Construct a 4th eastbound through lane. Construct a 4th westbound through lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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South Moreno Valley Walmart Project Mitigation Monitoring Plan Record

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<ul style="list-style-type: none"> Modify the traffic signal and implement protected left turn phasing for the northbound and southbound approaches. 							
<p>4.3.24 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Frederick Street / Cactus Avenue (Study Area Intersection 4):</p> <ul style="list-style-type: none"> Construct a 3rd eastbound through lane (same improvement required under Opening Year Conditions). Construct a 4th eastbound through lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.25 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Graham Street / Cactus Avenue (Study Area Intersection 5):</p> <ul style="list-style-type: none"> Construct a 2nd southbound left turn lane (same improvement required under Opening Year Conditions). Construct a 2nd eastbound left turn lane (same improvement required under Opening Year Conditions). 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<ul style="list-style-type: none"> Construct a 3rd eastbound through lane (same improvement required under Opening Year Conditions). Construct a 4th eastbound through lane. 							
<p>4.3.26 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Heacock Street / Alessandro Boulevard (Study Area Intersection 6):</p> <ul style="list-style-type: none"> Construct a 2nd northbound left turn lane. Construct a 2nd southbound left turn lane. Construct a 4th eastbound through lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.27 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Heacock Street / Cactus Avenue (Study Area Intersection 7):</p> <ul style="list-style-type: none"> Construct a 2nd southbound left turn lane. Construct a 2nd eastbound left turn lane. Construct a 3rd eastbound through 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>lane.</p> <ul style="list-style-type: none"> Construct a 2nd eastbound right turn lane and modify the traffic signal to implement overlap phasing. Construct 3rd westbound through lane. 							
<p>4.3.28 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Heacock Street / Gentian Avenue (Study Area Intersection 9):</p> <ul style="list-style-type: none"> Install a traffic signal. Construct a 2nd northbound through lane. Construct a 2nd southbound through lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.29 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Webster Avenue / Harley Knox Boulevard (Study Area Intersection 10):</p> <ul style="list-style-type: none"> Install a traffic signal. Although the intersection does not appear to warrant a traffic signal, no other geometric improvements are anticipated to result in 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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South Moreno Valley Walmart Project Mitigation Monitoring Plan Record

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p><i>acceptable peak hour operations. As such, it is recommended that the intersection be monitored and a traffic signal be installed at the City Traffic Engineer's discretion.</i></p> <ul style="list-style-type: none"> • Construct a 2nd eastbound through lane. • Construct a 2nd westbound through lane. 							
<p>4.3.30 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Alessandro Boulevard (Study Area Intersection 12):</p> <ul style="list-style-type: none"> • Construct a 2nd northbound left turn lane. • Construct a 2nd southbound left turn lane. • Construct a 4th eastbound through lane. • Construct a 2nd westbound left turn lane. • Construct a westbound right turn lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.31 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of</p>	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p><i>Indian Street / Cactus Avenue (Study Area Intersection 13):</i></p> <ul style="list-style-type: none"> Construct a 3rd eastbound through lane. 							
<p>4.3.32 <i>Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / John F. Kennedy Drive (Study Area Intersection 14):</i></p> <ul style="list-style-type: none"> Construct a northbound right turn lane. Construct a 2nd southbound left turn lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.33 <i>Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Gentian Avenue (Study Area Intersection 15):</i></p> <ul style="list-style-type: none"> Install a traffic signal (same improvement required under Opening Year Conditions). Construct a northbound left turn lane (same improvement required under Opening Year Conditions). Construct a southbound left turn lane (same improvement required under 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p><i>Opening Year Conditions).</i></p> <ul style="list-style-type: none"> • <i>Restripe the eastbound right turn lane as a shared through-right turn lane (same improvement required under Opening Year Conditions).</i> • <i>Construct a westbound shared left-through-right turn lane (same improvement required under Opening Year Conditions).</i> <p>4.3.34 <i>Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Iris Avenue (Study Area Intersection 17):</i></p> <ul style="list-style-type: none"> • <i>Construct a 2nd northbound through lane.</i> • <i>Construct a 2nd southbound through lane.</i> • <i>Construct a 2nd eastbound through lane.</i> • <i>Construct a 2nd westbound through lane.</i> <p>4.3.35 <i>Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Krameria Avenue (Study Area</i></p>	<p>Prior to the issuance of building permits.</p>	<p>Applicant.</p>	<p>City of Moreno Valley.</p>	<p>City shall verify payment of fees at issuance of building permits.</p>			
	<p>Prior to the issuance of building permits.</p>	<p>Applicant.</p>	<p>City of Moreno Valley.</p>	<p>City shall verify payment of fees at issuance of building permits.</p>			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<i>Intersection 18):</i>							
<ul style="list-style-type: none"> • Install a traffic signal. • Construct a northbound left turn lane. • Construct a 2nd northbound through lane. • Construct a 2nd southbound through lane. • Construct an eastbound left turn lane. • Construct an eastbound through lane. • Construct an eastbound right turn lane with overlap phasing. • Restripe the westbound right turn lane as a shared through-right turn lane. 							
<p>4.3.36 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / San Michele Road (Study Area Intersection 19):</p> <ul style="list-style-type: none"> • Operation of installed traffic signal. Although the signal heads have been installed at this intersection, they are all currently flashing red for an all-way stop operation. • Construct two northbound left turn lanes. • Construct a 2nd northbound through lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<ul style="list-style-type: none"> • Construct a northbound right turn lane. • Construct two southbound left turn lanes. • Construct a southbound right turn lane. • Construct an eastbound left turn lane. • Construct a 2nd eastbound through lane. • Construct two eastbound right turn lanes and modify the traffic signal to implement overlap phasing. • Construct a westbound left turn lane. • Construct a 2nd westbound through lane. • Construct a westbound right turn lane. 							
<p>4.3.37 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Nandina Avenue (Study Area Intersection 20):</p> <ul style="list-style-type: none"> • Operation of installed traffic signal. Although the signal heads have been installed at this intersection, they are all currently flashing red for an all-way stop operation. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<ul style="list-style-type: none"> • Construct two northbound left turn lanes. • Modify the traffic signal and implement overlap phasing on the northbound right turn lane. • Construct a southbound left turn lane. • Construct a 3rd southbound through lane. • Construct a southbound right turn lane. • Construct a 2nd eastbound right turn lane and modify the traffic signal to implement overlap phasing. • Construct two westbound left turn lanes. 							
<p>4.3.38 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Harley Knox Boulevard (Study Area Intersection 21):</p> <ul style="list-style-type: none"> • Construct a 3rd northbound through lane. • Construct a 2nd southbound left turn lane (same improvement required under Opening Year Conditions). • Construct a southbound right turn lane and modify the traffic signal to 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p><i>implement overlap phasing (same improvement required under Opening Year Conditions).</i></p> <ul style="list-style-type: none"> • Construct a 2nd eastbound left turn lane (same improvement required under Opening Year Conditions). • Construct a 2nd eastbound through lane (same improvement required under Opening Year Conditions). • Construct a 3rd eastbound through lane. • Construct a 3rd westbound through lane. • Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing. 							
<p>4.3.39 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound Off-Ramp / Sunnymead Boulevard (Study Area Intersection 24):</p> <ul style="list-style-type: none"> • Restripe the southbound shared left-right turn lane as a 2nd left turn lane (same improvement required under Opening Year Conditions). • Construct a southbound right turn lane 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/ Agency	Date	
<i>(same improvement required under Opening Year Conditions).</i>							
4.3.40 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / SR-60 Westbound Ramps (Study Area Intersection 25): <ul style="list-style-type: none"> • Construct a westbound left turn lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
4.3.41 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Sunnymead Boulevard (Study Area Intersection 26): <ul style="list-style-type: none"> • Construct a 2nd northbound left turn lane. • Construct a northbound right turn lane. • Construct a 3rd southbound through lane. • Implement overlap phasing on the eastbound right turn lane (same improvement required under Opening Year Conditions). • Construct two westbound right turn 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
lanes and modify the traffic signal to implement overlap phasing.							
<p>4.3.42 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound On-Ramp / Sunnymead Boulevard (Study Area Intersection 27):</p> <ul style="list-style-type: none"> Construct a roundabout (same improvement required under Opening Year Conditions). Construct a northbound left turn lane. Construct a 3rd eastbound through lane. Construct a 3rd westbound through lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.43 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Eucalyptus Avenue (Study Area Intersection 28):</p> <ul style="list-style-type: none"> Construct a 3rd northbound through lane. Construct a 3rd southbound through lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>4.3.44 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Cottonwood Avenue (Study Area Intersection 29):</p> <ul style="list-style-type: none"> • Construct a 3rd northbound through lane. • Construct a 3rd southbound through lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.45 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Alessandro Boulevard (Study Area Intersection 30):</p> <ul style="list-style-type: none"> • Construct a 2nd northbound left turn lane. • Construct a 3rd northbound through lane. • Construct a 3rd southbound through lane. • Construct a 2nd eastbound left turn lane. • Construct a 3rd eastbound through lane. • Construct a 2nd westbound left turn lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/ Agency	Date	
<ul style="list-style-type: none"> Construct a westbound right turn lane. Modify the traffic signal and implement overlap phasing on the southbound and eastbound right turn lanes. 							
<p>4.3.46 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Cactus Avenue (Study Area Intersection 31):</p> <ul style="list-style-type: none"> Construct a 2nd northbound left turn lane. Construct a 3rd southbound through lane. Construct a 2nd eastbound left turn lane. Construct a 3rd eastbound through lane. Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing (same improvement required under Opening Year Conditions). Construct a westbound right turn lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/ Agency	Date	
<p>4.3.47 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / John F. Kennedy Drive (Study Area Intersection 32):</p> <ul style="list-style-type: none"> • Construct a 2nd northbound left turn lane. • Construct a northbound right turn lane. • Construct a 2nd southbound left turn lane. • Construct a 2nd westbound left turn lane. • Construct a westbound right turn lane. • 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.48 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Gentian Avenue (Study Area Intersection 33):</p> <ul style="list-style-type: none"> • Construct a northbound left turn lane. • Construct an eastbound left turn lane. • Construct an eastbound shared through-right turn lane. • Construct a westbound left turn lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>4.3.49 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Santiago Drive (Study Area Intersection 36):</p> <ul style="list-style-type: none"> • Install a traffic signal (same improvement required under Existing Plus Project and Opening Year Conditions). • Construct a northbound right turn lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.50 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Iris Avenue (Study Area Intersection 37):</p> <ul style="list-style-type: none"> • Construct a northbound left turn lane. • Modify the traffic signal to implement overlap phasing on the northbound right turn lane. • Construct a 2nd southbound left turn lane. • Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<ul style="list-style-type: none"> • Construct a 2nd eastbound left turn lane. • Construct a 3rd eastbound through lane. • Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing. • Construct a 2nd westbound left turn lane. • Construct a 3rd westbound through lane. • Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing. 							
<p>4.3.51 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Krameria Avenue (Study Area Intersection 38):</p> <ul style="list-style-type: none"> • Construct a 2nd northbound left turn lane. • Construct a northbound right turn lane. • Construct a 2nd southbound left turn lane. • Construct a southbound right turn lane. • Construct an eastbound left turn lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<ul style="list-style-type: none"> Construct a 2nd eastbound through lane. Construct a 2nd westbound left turn lane. Construct a 2nd westbound through lane. Modify the traffic signal to implement protected left turn phasing for the eastbound and westbound approaches (same improvement required under Opening Year Conditions). 							
<p>4.3.52 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / San Michele Road (Study Area Intersection 39):</p> <ul style="list-style-type: none"> Construct a southbound right turn lane. Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.53 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Nandina</p>	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p><i>Avenue (Study Area Intersection 40):</i></p> <ul style="list-style-type: none"> • Construct a 2nd eastbound left turn lane. • Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing. 							
<p>4.3.54 <i>Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Harley Knox Boulevard (Study Area Intersection 41):</i></p> <ul style="list-style-type: none"> • Construct a 2nd northbound through lane. • Construct a 3rd northbound through lane. • Construct a southbound left turn lane. • Construct a 2nd southbound left turn lane. • Construct a 2nd southbound through lane. • Construct a 3rd southbound through lane. • Modify the traffic signal and implement overlap phasing on the southbound right turn lane. • Construct a 2nd eastbound left turn 	<p>Prior to the issuance of building permits.</p>	<p>Applicant.</p>	<p>City of Moreno Valley.</p>	<p>City shall verify payment of fees at issuance of building permits.</p>			

South Moreno Valley Walmart Project Mitigation Monitoring Plan Record

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>lane.</p> <ul style="list-style-type: none"> Construct two eastbound through lanes. Construct a westbound left turn lane. Construct a westbound shared through-right turn lane. Construct a 2nd westbound through lane. 							
<p>4.3.55 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Ramona Expressway (Study Area Intersection 42):</p> <ul style="list-style-type: none"> Construct a 3rd northbound through lane. Construct a 3rd southbound through lane. Modify the traffic signal and implement overlap phasing on the southbound right turn lane. Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing. 	<p>Prior to the issuance of building permits.</p>	<p>Applicant.</p>	<p>City of Moreno Valley.</p>	<p>City shall verify payment of fees at issuance of building permits.</p>			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>4.3.56 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / Cactus Avenue (Study Area Intersection 43):</p> <ul style="list-style-type: none"> • Construct a 2nd northbound left turn lane. • Construct a 2nd southbound through lane. • Construct an eastbound right turn lane. • Construct a westbound right turn lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.57 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / John F. Kennedy Drive (Study Area Intersection 44):</p> <ul style="list-style-type: none"> • Construct two northbound left turn lanes. • Construct a 2nd northbound through lane. • Construct a southbound left turn lane. • Construct a 2nd southbound through lane. • Modify the traffic signal and implement protected left turn phasing for the northbound and southbound 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
approaches.							
<p>4.3.58 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / Iris Avenue (Study Area Intersection 45):</p> <ul style="list-style-type: none"> • Construct a 2nd northbound left turn lane. • Construct a northbound right turn lane and modify the traffic signal to implement overlap phasing. • Construct a 2nd southbound left turn lane. • Construct a southbound right turn lane. • Construct a 2nd eastbound left turn lane. • Construct a 3rd eastbound through lane. • Construct an eastbound right turn lane. • Construct a 2nd westbound left turn lane. • Construct a 3rd westbound through lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>4.3.59 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Lasselle Street / Iris Avenue (Study Area Intersection 46):</p> <ul style="list-style-type: none"> • Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing. • Construct a westbound right turn lane. • Modify the traffic signal to accommodate overlap phasing on the westbound right-turn lane. 	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.59.1 Prior to the issuance of building permits, the Project Applicant shall pay requisite DIF/TUMF toward the construction of the improved roadway segment configurations listed at Table 4.3-18.</p>	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			
<p>4.3.60 Prior to the issuance of building permits, the Project Applicant shall participate in the City's DIF/TUMF programs and in addition shall pay the Project's fair share for the improvements identified at Mitigation Measures 4.3.3 through 4.3.59.1 as presented in Appendix C, Traffic Impact Analysis, Table 9-1.</p>	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
4.3.61 Certain of the improvements identified at Mitigation Measures 4.3.3 through 4.3.20 and 4.3.21 through 4.3.59 are proposed for intersections that are located within the City of Perris. Because the City of Moreno Valley does not have plenary control over intersections that are located within the City of Perris, the City of Moreno Valley cannot guarantee that such improvements will be constructed. Thus, the following additional mitigation is proposed: The Project Applicant shall contact the City of Perris and shall offer fair share fee payments; and if accepted, shall pay fair share fees for necessary non-Program traffic improvements (improvements not already included under DIF and/or TUMF Programs) located in the City of Perris. Non-Program improvements and calculated fair share fees shall be as identified at TIA Table 9-1. Offer of fair share fee payments as noted, whether accepted by the City of Perris or not, shall fulfill the Applicant's and the Lead Agency's mitigation responsibilities for Project traffic impacts affecting City of Perris intersections.	Prior to issuance of final certificate of occupancy.	Applicant.	City of Moreno Valley.	City shall verify receipt of fees before issuance of certificate of occupancy.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
Measures 4.3.62 through 4.3.64 enforced through revised measure 4.3.61	Throughout construction.	Construction contractor.	City of Moreno Valley.	Ongoing throughout construction.			
4.3.65 Construction trucks shall utilize the most direct route between the site and the I-215 Freeway (Cactus Avenue to Perris Boulevard). Routes other than those identified on the City's Designated Truck Route Map shall be submitted to the City Public Works Department for review and approval.							
4.3.66 The Project Applicant shall prepare a Construction Area Traffic Management Plan (Plan) to be reviewed and approved by the City Public Works Department. The Plan shall identify traffic controls; any street closures and/or detours, or other disruption to traffic circulation, as well as construction vehicle access routes, hours of construction traffic to include transport of equipment to and from the site as well as any planned import or export of soil; any pavement repairs or enhancements along proposed construction traffic routes; and other information and/or restrictions determined necessary by the Lead Agency. The Plan and its requirements shall be provided to all contractors as one component of building plan/contract document packages.	Prior to building plan check.	Applicant.	City of Moreno Valley.	At building plan check.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>Air Quality</p> <p>4.4.1 The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403 and limit fugitive dust emissions:</p> <ul style="list-style-type: none"> All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour; The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day; and The contractor shall ensure that traffic speeds on unpaved roads and Project 	Prior to building plan check.	Applicant.	City of Moreno Valley.	At building plan check.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>site areas are reduced to 15 miles per hour or less.</p>							
<p>4.4.2 Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling. This requirement is based on the California Air Resources Board regulation in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations, which imposes a requirement that heavy duty trucks accessing the site shall not idle for greater than five minutes at any location. This measure applies to</p>	<p>Prior to the issuance of grading plans.</p>	<p>Applicant.</p>	<p>City of Moreno Valley.</p>	<p>At issuance of grading plans.</p>			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<i>construction traffic.</i>							
4.4.3 All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. Additionally, during grading activity, total horsepower hours per day for all equipment shall not exceed 16,784 horsepower-hours per day and the maximum disturbance (actively graded) area shall not exceed five acres per day.	During grading activity.	Construction contractor.	City of Moreno Valley.	Ongoing throughout grading activity.			
4.4.4 Prior to the issuance of building permits, the Project Applicant shall submit energy usage calculations showing that the Project is designed to achieve a minimum 10% efficiency beyond then incumbent California Building Code Title 24 requirements. Verification of increased energy efficiencies shall be shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the	Prior to issuance of building permits.	Applicant.	City of Moreno Valley.	At issuance of building permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>issuance of building permits. Examples of measures that reduce energy consumption include, but are not limited to, the following (it being understood that the items listed below are not all required and merely present examples; the list is not all-inclusive and other features that achieve the required energy efficiency performance standard also are acceptable):</p> <ul style="list-style-type: none"> • Increase in insulation such that heat transfer and thermal bridging is minimized; • Limit air leakage through the structure and/or within the heating and cooling distribution system; • Use of energy-efficient space heating and cooling equipment; • Installation of electrical hook-ups at loading dock areas; • Installation of dual-paned or other energy efficient windows; • Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards; • Installation of automatic devices to turn off lights where they are not needed; • Application of a paint and surface 							

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>color palette that emphasizes light and off-white colors that reflect heat away from buildings;</p> <ul style="list-style-type: none"> • Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors; • Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products. <p>4.4.5 Enhanced Water Conservation Required: Prior to the issuance of building permits, the Project Applicant shall prepare a Water Conservation Strategy demonstrating a minimum 30% reduction in outdoor water usage when compared to baseline water demand (total expected water demand without implementation of the Water Conservation Strategy).² Verification of decreased outdoor water usage shall be documented in CalGreen Code Compliance Worksheets provided by the Applicant, and reviewed and approved by the City prior to the issuance of building permits.</p>	Prior to issuance of building permits.	Applicant.	City of Moreno Valley.	At issuance of building permits.			

² AA reduction of 20% indoor water use shall be achieved pursuant to CalGreen Code performance standards for residential and non-residential land uses. Per CalGreen, the reduction shall be based on the maximum allowable water use per plumbing fixture and fittings as quantified in the California Building Standards Code.

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	

Correlating documentation shall be incorporated in the Project landscape plans.

The Project shall also implement the following:

- Landscaping palette emphasizing drought tolerant plants;
- Use of water-efficient irrigation techniques;
- U.S. Environmental Protection Agency (EPA) Certified WaterSense labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.

Noise

4.6.1 Install temporary noise control barriers that provide a minimum noise level attenuation of 17 dBA when Project construction activities occur within 200 feet of existing residential structures or other off-site sensitive receptor land uses that are occupied or actively utilized. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the noise source. Unnecessary openings shall not be made.

Throughout construction.	Construction contractor.	City of Moreno Valley.	Ongoing throughout construction activity.
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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<ul style="list-style-type: none"> The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired. The noise control barriers and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity. 							
<p>4.6.2 For other than grading activities, noise-generating Project construction activities shall not occur between the hours of 8 p.m. to 8 a.m. Grading operations shall be limited to between the hours of 8a.m. and 6 p.m. weekdays, and 8 a.m. to 4 p.m. on weekends and holidays, or as otherwise approved by the City Engineer.</p>	Throughout construction.	Construction contractor.	City of Moreno Valley.	Ongoing throughout construction activity.			
<p>4.6.3 During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site noise sensitive</p>	Throughout construction.	Construction contractor.	City of Moreno Valley.	Ongoing throughout construction activity.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/ Agency	Date	
<i>receptors nearest the Project site.</i>							
<i>4.6.4 The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site noise sensitive receptors nearest the Project site during all Project construction activities.</i>	Throughout construction.	Construction contractor.	City of Moreno Valley.	Ongoing throughout construction activity.			
<i>4.6.5 The construction contractor shall prohibit haul truck deliveries to the Project site, including transportation of heavy construction equipment, consistent with timeframe limitations specified for general construction equipment operations, other than grading, (i.e., deliveries are prohibited between the hours of 8 p.m. to 8 a.m.) The Project Applicant shall prepare a haul route exhibit for review and approval by the City Planning Division prior to commencement of construction activities. The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.</i>	Prior to and throughout construction.	Applicant, Construction contractor.	City of Moreno Valley.	Ongoing throughout construction activity.			
<i>4.6.6 The construction contractor shall post a publicly visible sign with Contractor and City telephone numbers and persons to contact</i>	Throughout construction.	Construction contractor.	City of Moreno Valley.	Ongoing throughout construction activity.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>regarding noise complaints. The construction manager, within 72 hours of receipt of a noise complaint, shall either take corrective actions or, if immediate action is not feasible, provide a plan of corrective action to address the source of the noise complaint. Plan(s) for corrective action shall be submitted to City for approval, and shall be implemented within 24 hours of City approval. Pending City approval, offending construction activities shall cease, or the source of objectionable noise shall otherwise be terminated.</p> <p><u>Hydrology and Water Quality</u></p> <p>4.7.1 Prior to the issuance of grading permits, the Project Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Moreno Valley, Riverside County Flood Control and Water Conservation District, and Santa Ana Regional Water Quality Control Board for review and approval. The SWPPP shall identify Best Management Practices (BMPs) intended to prevent the release of sediment and pollutants into downstream waterways. Examples of construction BMPs to be incorporated in the Project include, but are not limited to, the following:</p>	Prior to issuance of grading permits.	Applicant.	City of Moreno Valley.	At issuance of grading permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<ul style="list-style-type: none"> § Silt Fences; § Check Dams; § Gravel Bag Berms; § Street Sweeping and Vacuuming; § Sand Bag Barriers; § Storm Drain Inlet Protection; § Wind Erosion Control; § Stabilized Construction Entrance/Exit; and § Entrance/Outlet Tire Wash. <p>Post-construction BMPs to reduce sediments and other pollutants include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Providing permanent cover to stabilize the disturbed surfaces after construction has been completed; • Incorporating structural BMPs (e.g., grease traps, debris, screens, continuous deflection separators, oil/water separators, drain inlet inserts) into the Project's design to provide detention and filtering of contaminants in urban runoff prior to discharge to stormwater facilities; • Precluding non-stormwater discharges to the stormwater system; and • Performing monitoring of discharges to the stormwater system. 							

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p>4.7.2 Prior to the issuance of grading permits, the Project Applicant shall submit a final Water Quality Management Plan (WQMP) to the City of Moreno Valley, Riverside County Flood Control and Water Conservation District, and Santa Ana Regional Water Quality Control Board for review and approval. The WQMP shall identify Best Management Practices (BMPs) addressing all post-construction pollutant discharges. Examples of BMPs included in the Project's Preliminary WQMP include the following:</p> <p><u>Source Control/Non-Structural BMPs</u></p> <ul style="list-style-type: none"> • Education of property owners, operators, tenants, occupants, or employees; • Street Sweeping of Private Streets and Parking Lots; • Drainage facility inspection and maintenance; • Roof Runoff Controls; • Efficient Irrigation; • Protection of Slopes and Channels; • Storm Drain stenciling and signage; • Trash Storage Areas and Litter Control; • Irrigation system and landscape maintenance; and 	Prior to issuance of grading permits.	Applicant.	City of Moreno Valley.	At issuance of grading permits.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<ul style="list-style-type: none"> Loading dock drainage controls. 							
<u>Site Design/Structural BMPs</u>							
<ul style="list-style-type: none"> Maximize permeable areas; Minimize street, sidewalk, and parking lot aisle widths; Maintain natural drainage patterns; § Incorporate drought-tolerant landscaping; § On-site ponding areas or retention facilities to increase opportunities for infiltration; § Convey roof runoff to landscaping/permeable areas prior to discharge to storm drains; § Drain sidewalks and walkways to adjacent landscaped areas; and § Integration of landscaping and drainage designs. 							
<u>Geology and Soils</u>							
4.8.1 Design and development of the Project shall comply with recommendations and performance standards identified within the Final Geotechnical Investigation. Where the Project Geotechnical Investigation is silent, requirements of the California Building Code as adopted and implemented by the City shall	Prior to building plan check.	Applicant.	City of Moreno Valley.	At building plan check.			

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Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<i>prevail.</i>							
<u>Biological Resources</u>							
4.9.1 Within 30 days prior to disturbance at the Project site, a pre-construction survey shall be conducted for burrowing owl (<i>Athene cunicularia</i>), and if owls are present, they can be relocated following accepted protocols to comply with the MSHCP. The findings of the survey shall be submitted to the California Department of Fish and Wildlife.	Within 30 days prior to disturbance at the Project site.	Applicant.	City of Moreno Valley.	Within 30 days prior to disturbance at the Project site.			
4.9.2 To avoid impacts to nesting birds and to comply with the federal Migratory Bird Treaty Act of 1918 (MBTA):	Throughout construction.	Applicant.	City of Moreno Valley.	Ongoing throughout construction.			
<ul style="list-style-type: none"> • If possible, all vegetation removal activities shall be scheduled from August 1 to February 15, which is outside the nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. • If vegetation is to be cleared during the nesting season (February 15 – July 31), 							

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					Person/Agency	Date	
<p><i>all suitable habitat shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist 72 hours prior to clearing. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the qualified biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist shall be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.</i></p>							
<p>Cultural Resources</p> <p>4.10.1 <i>If any prehistoric/historic archaeological resources are encountered during the initial grading and over-excavation phases of construction, the developer will retain a qualified archaeologist to monitor construction activities, and to take appropriate measures to avoid, protect or preserve these resources for study.</i></p>	Throughout grading.	Qualified archeologist, Applicant.	City of Moreno Valley.	Throughout grading activities.			

South Moreno Valley Walmart Project Mitigation Monitoring Plan Record

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
4.10.2 <i>If significant Native American cultural resources are discovered for which a Treatment Plan must be prepared, the developer or archaeologist shall contact all appropriate Native American tribal representatives, as identified by the Native American Heritage Commission. If requested by the Tribe(s), the City, the developer, or the Project archaeologist, the City shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, return of artifacts to tribe, etc.). A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the Applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.</i>	Prior to development approval on the Project site and issuance of any grading, building, or other permit.	Applicant.	City of Moreno Valley.	At development approval on the Project site and issuance of any grading, building, or other permit.			
4.10.3 <i>Any excavation exceeding five feet below the current grade shall be monitored by a qualified paleontologist. If older alluvial deposits are encountered at shallower depths, monitoring shall be initialed once these deposits are</i>	Throughout grading and excavation activities.	Applicant.	City of Moreno Valley.	At issuance of a building permit.			

Attachment: Exhibit B to PC Reso 2015-26 - Mitigation Monitoring Program (1682 : The South Moreno

South Moreno Valley Walmart Project Mitigation Monitoring Plan Record

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/Agency	Date	
<p><i>encountered. A qualified paleontologist is defined as an individual with an M.S. or a Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques. A paleontological monitor may be retained to perform the on-site monitoring in place of the qualified paleontologist. The paleontological monitoring program should follow the local protocols of the Western Center (Hemet) and/or the San Bernardino County Museum and a paleontological monitoring plan should be developed prior to the ground altering activities. The extent and duration of the monitoring can be determined once the grading plan is understood and approved. The paleontological monitor shall have the authority to halt any Project-related activities that may be adversely impacting potentially significant resources. If paleontological resources are uncovered or otherwise identified, they shall be recovered, analyzed in accordance with standard guidelines, and curated with the appropriate facility (e.g. the Western Center at the Diamond Valley Reservoir, Hemet).</i></p>							

Attachment: Exhibit B to PC Reso 2015-26 - Mitigation Monitoring Program (1682 : The South Moreno

South Moreno Valley Walmart Project Mitigation Monitoring Plan Record

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency	Action Completed		Remarks
					Person/ Agency	Date	
<u>Hazards and Hazardous Materials</u>							
<i>HA-1 Any soils to be disposed of off-site shall be sampled prior to their transport from the Project site. Soils transported off-site for disposal shall be sampled for contamination of herbicides, pesticides, and fertilizers consistent with a soil management plan to be prepared for this Project. Sample results may provide an indication as to the presence of chemicals of concern which require special handling during disposal. Any additional impacted soil identified during site work, shall be removed and additional confirmatory sampling shall be conducted until non-actionable levels of pesticides are found.</i>	Prior to the issuance of grading permits.	Applicant and contractor(s).	City of Moreno Valley.	City shall verify prior to the issuance of grading permits. All soil reports will be submitted to the City Building Division.			

PLANNING COMMISSION RESOLUTION NO. 2015-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING TENTATIVE PARCEL MAP 36606 (PA13-0033) TO SUBDIVIDE THE 21 ACRES OF ASSESSOR'S PARCEL NUMBER 485-210-041 INTO TWO PARCELS AND A LETTERED LOT

Section 1:

WHEREAS, Kimley-Horn and Associates, Inc., on behalf of Walmart Real Estate Business Trust, has filed an application for the approval of Tentative Parcel Map 36606 to subdivide the 21 acre site into two parcels and a lettered lot; and

WHEREAS, the application has been evaluated in accordance with established City of Moreno Valley procedures, and with consideration of the General Plan and other applicable regulations; and

WHEREAS, upon completion of a through development review process the project was appropriately agendized and noticed for a public hearing before the Planning Commission; and

WHEREAS, on October 8, 2015, the Planning Commission of the City of Moreno Valley conducted a public hearing to consider the application; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on October 8, 2015, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General and Specific Plans** – That the proposed land division is consistent with applicable general and specific plans.

FACT: The proposed tentative parcel map is consistent with the existing Commercial General Plan land use designation. The proposed parcel map will subdivide the approximate 21 acres of the project site into two commercial parcels and one lettered lot. The proposed land division is consistent with existing goals, objectives, policies and programs of the general plan.

2. **Design Conformance with General and Specific Plans** – That the design or improvement of the proposed land division is consistent with applicable general and specific plans.

FACT: The tentative parcel map as designed and conditioned will provide improvements that are consistent with the requirements of the project site's existing Commercial General Plan land use designation.

3. **Physically Suitable for Proposed Development** – That the site of the proposed land division is physically suitable for the type of development.

FACT: The project site is located on the west side of Perris Boulevard between Gentian Avenue and Santiago Drive. The project site is comprised of a single vacant triangular shaped parcel that is mostly flat and bounded on the north by Gentian Street, on the south by Santiago Drive, on the west by the California Aqueduct and on the east by Perris Boulevard. Land uses to the north include vacant R5 designated land that has been approved for single family development along with existing single family tract homes. South of the project site is a vacant R30 designated parcel and a Home Depot store and Farmer Boys restaurant with a shopping center to the south east at Perris Boulevard and Iris Avenue. Land uses to the west include vacant R5 and R30 designated land and existing single family tract homes on Indian Street. Land uses to the east include existing single family tract homes with apartments located to the northeast. Overall, the project site is well suited for the proposed subdivision.

4. **Physically Suitable for Proposed Density** – That the site of the proposed land division is physically suitable for the proposed density of the development.

FACT: The project site is comprised of a single vacant triangular shaped parcel that is mostly flat and bounded on the north by Gentian Street, on the south by Santiago Drive, on the west by the California Aqueduct and on the east by Perris Boulevard. The parcel map is designed in accordance with the provisions of the City's Municipal Code Section 9.14 Land Divisions. The proposed development plan for the site that is being considered concurrent with the processing of this Tentative Parcel Map envisions an approximate 185,000 square foot retail store with associated parking on Parcel 1 and approximately 6,000 square feet of additional

commercial land use and associated parking on Parcel 2. The project site is physically suitable for the proposed density of the development.

5. **Protection of Fish or Wildlife Habitat** – That the design of the proposed land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

FACT: A Final EIR has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), concluding that with mitigation and as conditioned and designed, the proposed subdivision would result in less than significant impacts to Fish and Wildlife resources. The project has also been determined to be consistent with the Multiple Species Habitat Conservation Plan (MSHCP).

6. **Health, Safety and Welfare** – That the design of the proposed land division or the type of improvements are unlikely to cause serious public health problems.

FACT: As conditioned, the proposed parcel map would not cause serious public health problems. The Eastern Municipal Water District will provide water and sewer services to the project site. There are no known hazardous conditions associated with the property, the design of the land division or the type of improvements.

The proposed parcel map as designed and conditioned will not result in unacceptable levels of protection from natural and man-made hazards to life, health, and property and is therefore consistent with General Goal 9.6.1. The project site is located within approximately 1 mile of Fire Station #65 and within close proximity to emergency services which is consistent with General Plan Goal 9.6.2 which requires emergency services that are adequate to meet minor emergency and major catastrophic situations.

The proposed parcel map will not result in a development that would be inconsistent with General Plan Objective 6.1 to minimize the potential for loss of life and protect residents, workers, and visitors to the City from physical injury and property damage due to seismic ground shaking and secondary effects or General Plan Objective 6.2 to minimize the potential for loss of life and protect residents, workers, and visitors to the City from physical injury and property damage, and to minimize nuisances due to flooding.

The parcel map has been designed consistently with the City's Municipal Code Section 9.14 Land Divisions and meets all City requirements related to subdividing a property. A Final EIR has been prepared to address the potential environmental impacts of the project in accordance with the provisions of the California Environmental Quality Act (CEQA).

7. **Easements** – That the design of the land division 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.

FACT: The tentative parcel map has been designed to accommodate and not conflict with existing easements on the subject site including utility and storm drain easements.

8. **Consistent with Applicable City Ordinances** – That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the city.

FACT: The tentative parcel map is designed in accordance with the provisions of the City's Municipal Code Section 9.14 Land Divisions.

9. **Passive or Natural Heating and Cooling** – That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The design of this parcel map, to the extent feasible, allows solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

10. **Regional Housing** – That the effect of the proposed land division 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.

FACT: The project does not exceed the planned density, the associated public service demand, or the demand for environmental resources envisioned by the Moreno Valley General Plan. The proposed development the site is for commercial development consistent with the General Plan land use and zoning designations for the site, and the project will not displace or result in the reduction of residential zoning. The project will supplement the City's fiscal resources by paying impact fees for public facilities.

Section 2:

FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species

Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA13-0033, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

Section 3:

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2015-27, and thereby:

- 1. **APPROVES** Tentative Parcel Map 36606 (PA13-0033), subject to the attached conditions of approval included as Exhibit A; and

APPROVED this 8th day of October, 2015.

Brian Lowell
Chair, Planning Commission

ATTEST:

Richard J. Sandzimier, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

Attachment A

Attachment: Planning Commission Resolution 2015-27 [Revision 3] (1682 : The South Moreno Valley Walmart project proposes a Plot Plan

**CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL FOR PA13-0033
 TENTATIVE PARCEL MAP NO. 36606
 APN's: 485-220-041**

**APPROVAL DATE:
 EXPIRATION DATE:**

- Planning (P), including School District (S), Post Office (PO), Building (B)
- Economic Development Department (EDD)
- Fire Prevention Bureau (F)
- Public Works Department – Land Development Division (LD)
- Public Works Department – Special Districts Division (SD)
- Public Works Department – Transportation Engineering (TE)
- Moreno Valley Utilities
- Police Department (PD)
- Parks & Community Services Department (PCS)

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

- P1. Tentative Parcel Map No. 3606 is approved for the purposes of subdividing the 19.25 acres of Assessor's Parcel Number 485-220-041 to create two parcels and a lettered lot.
- P2. Prior to parcel map approval, the map shall show an irrevocable offer of dedication for Lot A in fee-simple title for future park use. The dedication will not be accepted by the City until such time that Lot A is developed into park use. All maintenance responsibility shall be that of the underlying property owner until such time that the City accepts Lot A into the City-maintained parks and trails system.
- P3. Development within Tentative Parcel Map No. 36606 shall be subject to the requirements of the City's Municipal Code.
- P4. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

**CONDITIONS OF APPROVAL FOR PA13-0033
TENTATIVE PARCEL MAP NO. 36606
PAGE 2 OF 35**

- P5. The site shall be developed in accordance with the approved tentative map on file in the Community & Economic Development Department -Planning Division, the Municipal Code regulations, General Plan, the Moreno Valley Industrial Area Plan and the conditions contained herein. (MC 9.14.020)
- P6. 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)
- P7. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P8. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

Prior to Issuance of Grading Permits

- P9. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P10. (GP) 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.
- P11. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will 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 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, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

**CONDITIONS OF APPROVAL FOR PA13-0033
TENTATIVE PARCEL MAP NO. 36606
PAGE 3 OF 35**

- P13. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. This shall include slopes associated with swales and basins. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. Graded slopes shall have variations that do not exceed 2:1 (GP Objective 1.5, MC 9.08.080, DG)
- P14. (GP) Prior to the issuance of a precise grading permit, the plan shall show decorative concrete paving for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.
- P15. (GP) Prior to the issuance of a precise grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.
- P16. (GP) Prior to the issuance of any grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-Species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

Prior to Recordation of Final Map

- P17. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)

Building and Safety Division

- B1. New buildings shall comply with the current California Building Standards Code (CBC, CEC, CMC, CPC and Green Building Standards) as well as City ordinances. Plans shall be submitted to the Building and Safety Division as a separate submittal and shall include a soils report at time of first submittal. The current edition is the 2013 CBC and is for all new building permit applications.

**CONDITIONS OF APPROVAL FOR PA13-0033
TENTATIVE PARCEL MAP NO. 36606
PAGE 4 OF 35**

- B2. Prior to final inspection, all plans shall be placed on a CD Rom for reference and verification. Plans will include “as built” plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building and Safety Division. In addition, a site plan showing the path of travel from public right of way with elevations will be required.
- B3. Obtain any required approvals from SCAQMD for any proposed demolitions, if necessary, prior to building permit application submittals.
- B4. Prior to the issuance of a building permit, the applicant shall submit a properly completed “Waste Management Plan” (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.
- B5. Prior to the issuance of a building permit, show on the plans that all exterior doors comply with the requirements of CBC Chapter 11 for accessible path of travel from every exit door, especially in consideration of doors that may be designated as exits due to interior obstructions to path of travel due to racks, equipment and other interior obstruction to the exit path of travel.
- B6. Prior to the issuance of a building permit, show on the plans that no gutter, drainage feature, swale or other deviation in the flat level surface at the accessible parking spaces exists within and for a minimum four foot extension beyond the outer dimensions of the parking space, loading zone and path of travel.
- B7. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- B8. Plumbing plans shall be prepared, including isometrics, for required plumbing fixtures based on California Plumbing Code, Chapter 4.
- B9. The proposed new development may be subject to the payment of development fees as required by the City’s Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.

**CONDITIONS OF APPROVAL FOR PA13-0033
TENTATIVE PARCEL MAP NO. 36606
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SCHOOL DISTRICT

- S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

- PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

ECONOMIC DEVELOPMENT DEPARTMENT

- EDD1. New Moreno Valley businesses are encouraged to hire local residents.
- EDD2. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Employment Resource Center (“ERC”).
- The ERC offers no cost assistance to businesses recruiting and training potential employees. Complimentary services include:
- Job Announcements
 - Applicant testing / pre-screening
 - Interviewing
 - Job Fair support
 - Training space
- EDD3. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
- EDD4. 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.
- EDD5. 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 the public recruitment.

**CONDITIONS OF APPROVAL FOR PA13-0033
TENTATIVE PARCEL MAP NO. 36606
PAGE 6 OF 35**

FIRE PREVENTION BUREAU

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. 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. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 1/2" x 2 1/2") (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
- F2. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan that specifies the fire lanes and signage. (CFC 501.3)
- F3. 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 MV City Standard Engineering Plan 422 a, b, c)
- F4. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (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. (CFC 501.4 and MV City Standard Engineering Plan 108d)
- F5. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than thirty (30) feet as approved by the Fire Prevention Bureau 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])
- F6. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])

**CONDITIONS OF APPROVAL FOR PA13-0033
TENTATIVE PARCEL MAP NO. 36606
PAGE 7 OF 35**

- F7. 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)
- F8. 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)
- F9. 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 12 inches in height. (CFC 505.1)
- F10. 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 provided with Knox access equipment. (CFC 506.1)
- F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F12. 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])
- F13. 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)
- F14. 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

**CONDITIONS OF APPROVAL FOR PA13-0033
TENTATIVE PARCEL MAP NO. 36606
PAGE 8 OF 35**

- c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

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.

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)

- F15. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.
- F16. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 33 & CBC Chapter 33)
- F17. 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)
- F18. 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)
- F19. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install

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equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with CFC 105.

F20. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

- a) Storage and use areas;
- b) Maximum amount of each material stored or used in each area;
- c) Range of container sizes;
- d) Locations of emergency isolation and mitigation valves and devices;
- e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
- f) On and off positions of valves for valves which are of the self-indicating type;
- g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
- h) Site plan showing all adjacent/neighborhood structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F21. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

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PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

- LD1. (G) 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)
- LD2. (G) 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 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. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) 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. The City Engineer may require the construction of necessary utilities, streets 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.
- LD3. (G) 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. In the event that the developer is unsuccessful, he 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)
- LD4. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate 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 Public Improvement Agreement or issuance of a permit.

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- LD5. (G) The developer shall monitor, supervise and control all construction and construction supportive 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 Public Works Department.
 - (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 shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the 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.

- LD6. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. 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)
- LD7. (G) 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.
- LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.
- LD9. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on

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twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

Prior to Grading Plan Approval or Grading Permit

- LD10. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD11. (GPA) Prior to approval of grading plans, 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. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
 - d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
 - e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.
- LD12. (GPA) Prior to approval of the grading plans 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). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.
- LD13. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :
- 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;

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- b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
- c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
- d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
- e. 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 of the Public Works Department.

- LD14. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in PDF format prior to grading plan approval.
- LD15. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
- LD16. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's 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.
- LD17. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD18. (GPA) Prior to grading plan, resolution of all drainage issues shall be as approved by the City Engineer.
- LD19. (GP) Prior to issuance of a grading permit, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.
- LD20. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

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- LD21. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project. (MC 8.21.070)
- LD22. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the implementation and maintenance of erosion control measures required as a condition of approval of the project. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the City. (MC 8.21.160)
- LD23. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

- LD24. (MA) Prior to approval of the map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, drainage easements, reciprocal access, private and/or public utility easements as may be relevant to the project. Alternatively, easements and/or agreements by separate instrument may be submitted.
- LD25. (MA) Prior to approval of the map, all street dedications shall be 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. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD26. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.
- LD27. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)
- LD28. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

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Prior to Improvement Plan Approval or Construction Permit

- LD29. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD30. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)
- LD31. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.
- LD32. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.
- LD33. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:
- a. Corner cutbacks in conformance with City Standard MVSI-165-0 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
 - b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)
 - c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)
 - d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees per City Standard No. MVSI-160A-0, or as approved by the City Engineer. (MC 9.14.020)
 - e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.
- LD34. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.
- LD35. (IPA) Prior to approval of the improvement plans, 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 years old and recently slurry

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- sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.
- LD36. (IPA) Prior to approval of the improvement plans, 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, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.
- LD37. (IPA) Prior to approval of the improvement plans, drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)
- LD38. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)
- LD39. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will 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 Public Works Department – Land Development Division. (MC 9.14.110)
- LD40. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)
- LD41. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

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LD42. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in digital (PDF) format to the Land Development Division of the Public Works Department.

LD43. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD44. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of “Blue-top” markers installed by a registered land surveyor or licensed engineer.

LD45. (BP) Prior to the first building permit and prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD46. (BP) Prior to the first building permit and prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement by the timing as specified above, no credits will be given for any work. Prior to approval of the TUMF Improvement Credit Agreement, an approved engineer’s cost estimate and street improvement plan are required.

Prior to Certificate of Occupancy

LD47. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD48. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD49. (CO) Prior to issuance of a certificate of occupancy, this project is subject to requirements 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. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of certificate of occupancy issuance. Following are the requirements:

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- a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
 - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
 - ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
 - b. Notify the Special Districts Division of the intent to request building permits 90 days prior to their issuance and the financial option selected. The financial option selected shall be in place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)
- LD50. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Under grounding of existing and proposed utility lines less than 115,000 volts.
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
- LD51. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)
- LD52. (CO) Prior to issuance of a certificate of occupancy or building final, punch list work for improvements and capping of streets in that phase must be completed and approved for acceptance by the City.
- LD53. (CO) Prior to issuance of a certificate of occupancy, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved

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final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the “Stormwater Treatment Device and Control Measure Access and Maintenance Covenant,” can be obtained by contacting the Land Development Division of the Public Works Department.

- LD54. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State’s General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
- LD55. (CO) Prior to issuance of a certificate of occupancy or building final, 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 to the City for review and approval.

Prior to Acceptance of Streets into the City Maintained Road System

- LD56. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the one-year warranty period of the public streets at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. 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.
- LD57. Prior to parcel map approval, the map shall show the following:
- a. The appropriate right-of-way dedication along Perris Boulevard frontage shown as Lot B on the tentative parcel map. This includes right-of-way required for a bus turn-out as conditioned by the Transportation Engineering Division.
 - b. The appropriate right-of-way dedication on Santiago Drive frontage shown as Lot C on the tentative parcel map.
 - c. The appropriate right-of-way dedication on Gentian Street frontage shown as Lot D on the tentative parcel map.
 - d. A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach, per City Standard MVSI-112C-0, on Perris Boulevard, Santiago Drive and Gentian Street.

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- LD58. Prior to parcel map approval, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements along the project frontage shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.
- a. Perris Boulevard, Divided Arterial, City Standard (modified) MVSI-103C-0 (110-foot RW / 86-foot CC) shall be constructed to complete the half-width along the entire project's east frontage. Remaining improvements shall consist of, but not be limited to, a raised median, curb-separated sidewalk, driveway approaches, drainage structures, streetlights, pedestrian access ramps, undergrounding of overhead utility lines less than 115,000 volts, and dry and wet utilities. In addition, the applicant will be required to install, replace and/or repair any missing, damaged or substandard improvements that do not meet current City standards. 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.
 - b. Santiago Drive, Collector (modified), City Standard MVSI-106B-0 (66-foot RW / 44-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, along the entire project's south frontage. Additional right-of-way dedications at driveway approaches along the project's south property line shall be shown on the parcel map. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, streetlights, pedestrian access ramps, undergrounding of overhead utility lines less than 115,000 volts, bicycle/pedestrian path and dry and wet utilities.
 - c. Gentian Street, Minor Arterial (modified), City Standard MVSI-105A-0 (88-foot RW / 64-foot CC) shall be constructed to half-width plus an additional 18 feet north of the centerline, along the entire project's north frontage. Additional right-of-way dedications at driveway approaches along the project's north property line, shall be shown on the parcel map. Improvements shall consist of, but not be limited to, a raised median, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, streetlights, pedestrian access ramps, dry and wet utilities.
 - d. Sunnymead Master Drainage Plan Line M-2 within the public right-of-way in Santiago Drive, Perris Boulevard and Iris Avenue. This includes, but not limited to, construction of a 39-inch minimum storm drain, laterals, catch basins/inlets, and local depressions as needed.
- LD59. Prior to rough grading plan approval, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed

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condition be larger than that of the pre-developed condition, unless the study demonstrates that the existing or proposed drainage facilities can accommodate the increased run-off. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures may be required beyond those shown on the tentative map and preliminary drainage study.

LD60. Prior to rough grading plan approval, the Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-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: stormwater BMPs; LID principles; Source control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

- a. The Applicant has proposed to incorporate the use of infiltration basin and dry wells. 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. 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.
- c. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.
- d. The proposed dry wells may be subject to current or future regulation and permitting by the U.S. Environmental Protection Agency (EPA), the State of California State Water Resource Control Board, or the California Regional Water Quality Control Board. The Applicant is responsible for compliance with all applicable regulations and permit requirements. At a minimum, the Applicant shall include in the F-WQMP a copy of the EPA document, "Inventory of Injection Wells" (EPA Form 7520-16), along with proof of filing of said inventory document with the EPA.
- e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in 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.

LD61. Prior to precise grading plan approval, emergency overflow area(s) 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, an emergency spillway in the proposed detention basin(s).

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- LD62. Prior to issuance of a building permit, the precise grading plans shall be approved.
- LD63. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan MVFG-660 Series.
- LD64. Prior to precise grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.
- LD65. Prior to street improvement plan approval, 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.
- LD66. Prior to occupancy, all overhead utility lines less than 115,000 volts fronting or within the entire project site boundary shall be placed underground per Section 9.14.130C of the City Municipal Code.
- LD67. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:
- a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
 - b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
 - c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
 - d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.
- LD68. Prior to occupancy, as-built street improvement plans, storm drain plans and precise grading plans shall be submitted for review and approved.

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PUBLIC WORKS DEPARTMENT – SPECIAL DISTRICTS DIVISION

Acknowledgement of Conditions

The following items are the Special Districts Division's Conditions of Approval for project PA13-0033; this project shall be completed at no cost to any Government Agency. All questions regarding the following Conditions including but not limited to intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Financial & Management Services Department 951.413.3480 or by emailing specialdistricts@moval.org.

General Conditions

- SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks & Community Services) and Zone C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.
- SD2. Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into a City coordinated landscape maintenance program, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. The guidelines are available on the City's website at www.moval.org/sd or from the Special Districts Division (951.413.3480 or specialdistricts@moval.org).
- SD3. The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/or median landscape maintenance for a period of one (1) year commencing from the time all items of work have been completed to the satisfaction of the Director for the Special Districts Division or their appointed staff as per the *City of Moreno Valley Public Works Department Landscape Design Guidelines*, or until such time as the District accepts maintenance responsibilities.
- SD4. Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be repaired/replaced by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.
- SD5. The ongoing maintenance of any landscaping required to be installed behind the curb on Gentian Avenue, Perris Boulevard and Santiago Drive shall be the responsibility of the property owner.

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- SD6. Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
- SD7. Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)
- SD8. Street Light Authorization forms for all street lights that are conditioned to be installed as part of this project must be submitted to the Special Districts Division for approval, prior to street light installation. The Street Light Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison. For questions, contact the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.

Prior to Recordation of Final Map

- SD9. (R) This project has been identified to be included in the formation of a Community Facilities District for Public Safety services including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the property owner shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify the Special Districts Division at 951.413.3480 or specialdistricts@moval.org of its intent to record the final map for the development 90 days prior to City Council action authorizing recordation of the map to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)
- SD10. (R) This project is conditioned to provide a funding source for the capital improvements, energy charges, and maintenance for street lighting. The Developer shall satisfy this condition with one of the options below.
- a. Participate in a special election (mail ballot proceeding) for street lighting and pay all associated costs of the special election and formation, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or

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- b. Establish an endowment fund to cover future operation and maintenance costs for the street lights.
- c. Projects with privately maintained streets, establish a property Owner Association (POA) or Home Owner's Association (HOA) which will be responsible for any and all operation and maintenance costs associated with the street lights installed on private roadways. This does not apply to publicly accepted roadways.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option prior to City Council action authorizing recordation of the final map for the development. A minimum of 90 days is needed to complete the special election process in compliance with the provisions of Article 13C of the California Constitution for conducting a special election.

The financial option selected shall be in place prior to the issuance of the first building permit.

SD11. (R) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Gentian Avenue and Perris Boulevard median landscape. The Developer shall satisfy this condition with one of the options below.

- a. Participate in a special election (mail ballot proceeding) for improved median maintenance and pay all associated costs with the ballot process and formation costs, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
- b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option prior to City Council action authorizing recordation of the final map for the development. A minimum of 90 days is needed to complete the special election process in compliance with the provisions of Article 13C of the California Constitution,.

The financial option selected shall be in place prior to the issuance of the first building permit.

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SD12. (R) This project is conditioned to provide a funding source for the operation and maintenance of public improvements and/or services associated with new development in that territory. The Developer shall satisfy this condition with one of the options below.

- a. Participate in a special election for maintenance/services and pay all associated costs of the election process and formation, if any. Financing may be structured through a Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
- b. Establish an endowment fund to cover the future maintenance and/or service costs.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option prior to City Council action authorizing recordation of the final map for the development. A minimum of 90 days is needed to complete the special election process in compliance with the provisions of Article 13C of the California Constitution.

The financial option selected shall be in place prior to the issuance of the first building permit.

SD13. *Commercial* (R) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide for, but not limited to, stormwater utilities services for the monitoring of on-site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, a funding source needs to be established. The Developer must notify the Special Districts Division at 951.413.3480 or specialdistricts@moval.org of its selected financial option (see Land Development's related condition) 90 days prior to City Council action authorizing recordation of the final map to allow adequate time to be in compliance with the provisions of Article 13D of the California Constitution. (California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)

Prior to Building Permit Issuance

SD14. (BP) Prior to the issuance of the first building permit for this project, the Developer shall pay Advanced Energy fees for all applicable Residential and Arterial Street Lights required for this development. Payment shall be made to the City of Moreno Valley and collected by the Land Development Division. Fees are based upon the Advanced Energy fee rate in place at the time of payment, as

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set forth in the current Listing of City Fees, Charges, and Rates adopted by City Council. The Developer shall provide a copy of the receipt to the Special Districts Division (*specialdistricts@moval.org*). Any change in the project which may increase the number of street lights to be installed will require payment of additional Advanced Energy fees at the then current fee. Questions may be directed to the Special Districts Division at 951.413.3480 or *specialdistricts@moval.org*.

SD15.(BP) For those areas to be maintained by the City and prior to the issuance of the first Building Permit, Planning Division (Community and Economic Development Department), Special Districts Division (the Financial & Management Services Department) and Transportation Division (the Public Works Department) shall review and approve the final median, parkway, slope, and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD16. (CO) All parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the occupancy of the First Building for this project.

SD17. (CO) Landscape and irrigation plans for parkway, median, slope, and/or open space landscape areas designated to be maintained by the City shall be placed on compact disk (CD) in pdf format. The CD shall include "As Built" plans, revisions, and changes. The CD will become the property of the City of Moreno Valley and the Moreno Valley Community Services District.

PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

General Conditions

TE1. Perris Boulevard is classified as a Six-Lane Divided Arterial (110' RW/86' CC) per City Standard Plan No. MVSI-103C-0. A raised median will be required as part of this project. Any improvements to the roadway shall be per City standards. Citywide Communication Conduits shall be installed along project frontage per City Standard Plan No. MVSI-186-0.

TE2. Gentian Avenue is classified as a modified Minor Arterial (88' RW/64' CC) per City Standard Plan No. MVSI-105A-0, modified as necessary for a raised

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median. Any improvements to the roadway shall be per City standards, modified as necessary. Citywide Communication Conduits shall be installed along project frontage per City Standard Plan No. MVSI-186-0.

- TE3. Santiago Drive is classified as a Collector Street (66' RW/44' CC) per City Standard Plan No. MVSI-106B-0. Any improvements to the roadway shall be per City standards.
- TE4. Driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code – Design Guidelines and City of Moreno Valley Standard No. MVSI-112C-0 for commercial driveway approach. Perris Boulevard access at the proposed driveways shall be right-in/right-out due to the raised median.
- TE5. Conditions of approval may be modified or added if a modified plan is submitted for this development.

Prior to Improvement Plan Approval or Construction Permit

- TE6. Prior to the final approval of the street improvement plans, traffic signal modification plans will be required for the traffic signal located at Perris Boulevard and Gentian Avenue. Modifications may include but not limited to new signal poles, new pull boxes, new traffic detector loops, etc.
- TE7. Prior to the final approval of the street improvement plans, traffic signal plans shall be prepared for the intersection of Perris Boulevard and Santiago Drive.
- TE8. Prior to the final approval of the street improvement plans, a bus bay shall be designed for southbound Perris Boulevard, just south of Gentian Avenue per City Standard Plan No. MVSI-161-0.
- TE9. Prior to the final approval of the street improvement plans, the intersection of Kitching Street at John F. Kennedy Drive shall be designed for a northbound left turn lane. Traffic signal modification plans may be required as part of the street improvement.
- TE10. 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.
- TE11. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.

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TE12. Prior to final approval of the street improvement plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0.

Prior to Building Permit

TE13. (BP) Prior to the issuance of Building Permit, the project applicant shall make a fair-share payment to the City of Moreno Valley for improvements identified in the project Traffic Study.

Prior to Certificate of Occupancy or Building Final

TE14. (CO) Prior to issuance of Certificate of Occupancy, improvements identified in TE6, TE7, TE8, and TE9 shall be completed per the approved plans to the satisfaction of the City Engineer.

TE15. (CO) Prior to issuance of Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

Prior to Acceptance of Streets into the City-maintained Road System

TE16. 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.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT – ELECTRIC UTILITY

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA13-0032; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3500. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Energizing MVU Electric Utility System and Certificate of Occupancy

MVU1. (R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome,

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condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

- MVU2. (BP) City of Moreno Valley Municipal Utility Service – Electrical Distribution: Prior to constructing the MVU Electric Utility System, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision 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, or the City's designee, 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 to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. 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.

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- MVU.3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. Payment shall be required prior to issuance of building permits.
- MVU4. For all new projects, existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer 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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POLICE DEPARTMENT

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)
- PD2. (GP) 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. (MC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community Development Department - Building Division for routing to the Police Department. (MC 9.08.080)
- PD4. Address numbers should be placed at multiple locations on the building and shall be illuminated and clearly visible from the street.
- PD5. Rooftop addressing shall also be required of all buildings.
- PD6. All exterior doors in the rear and the front of the buildings need an address or suite number on them.
- PD7. All rear exterior doors should have an overhead low sodium light or a light comparable to the same.
- PD8. All lighting affixed to the exterior of buildings less than 8 feet high shall be vandal resistant.
- PD9. All exterior doors shall have a vandal resistant light fixture installed above the door. The doors shall be illuminated with a minimum one foot candle illumination at ground level, evenly dispersed.

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- PD10. The doors shall be illuminated with a minimum one foot candle illumination at ground level, evenly dispersed.
- PD11. The exterior of the building should have high-pressure sodium lights and or Metal halide lights installed and strategically placed throughout the exterior of the building.
- PD12. The parking lot should have adequate lighting to insure a safe environment for customers and or employees. The parking lot and buildings should be well lit to minimize the shadows cast by landscaping and trees on the property.
- PD13. All landscape cover should not exceed over 3' from the ground in the parking lot.
- PD14. Bushes that are near the exterior of the building should not exceed 4' and should not be planted directly in front of the buildings or walkways.
- PD15. Trees, which exceed 20', should have a 7' visibility from the ground to the bottom half of the tree. This is so that patrons or employees can view the whole parking lot while parking their vehicles in the parking lot.
- PD16. Ensure any trees surrounding building rooftops be kept at a distance to prevent roof accessibility by potential burglars. Since trees also act as a natural ladder, the branches must be pruned to have at least six foot clearance from the buildings.
- PD17. Cash registers shall be placed near the front entrance of the store.
- PD18. Window coverings shall comply with the city ordinance.
- PD19. No loitering signs shall be posted in plain view throughout the building.
- PD20. Sufficient lighting is to be provided over all mailbox areas

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PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA13-0032; this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. This project will be located next to the aqueduct bikeway. The applicant shall consider vandal resistant and graffiti resistant fencing. The recommendation for durable fencing is tubular steel as found in the City's Standard Plans. Fencing and footings shall be placed solely on the applicant's property.

PCS2. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks and Community Services). All assessable parcels therein shall be subject to the annual Zone 'A' charge for operations and capital improvements.

PLANNING COMMISSION RESOLUTION NO. 2015-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PLOT PLAN APPLICATION PA13-0032 FOR DEVELOPMENT OF A 185,761 SQUARE FOOT RETAIL STORE ON 19 ACRES OF PARCEL 1 OF TENTATIVE PARCEL MAP 36606 (ASSESSOR'S PARCEL NUMBER 485-210-041)

Section 1:

WHEREAS, Kimley-Horn and Associates, Inc., on behalf of Walmart Real Estate Business Trust, has filed an application for the approval of Plot Plan PA13-0032 for development of a 185,761 square foot retail store on the 19 acres of Parcel 1 of Tentative Parcel Map 36606; and

WHEREAS, the application has been evaluated in accordance with established City of Moreno Valley procedures, and with consideration of the General Plan and other applicable regulations; and

WHEREAS, upon completion of a through development review process the project was appropriately agendized and noticed for a public hearing before the Planning Commission; and

WHEREAS, on October 8, 2015, the Planning Commission of the City of Moreno Valley conducted a public hearing to consider the application; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced public hearing on October 8, 2015, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby finds as follows:

1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: General Plan Objective 2.4 states that commercial areas are to be provided within the City that are conveniently located, efficient, attractive, and have safe and easy pedestrian and vehicular circulation in order to serve the retail and service commercial needs of Moreno Valley residents and businesses. The proposed project has a Commercial land use designation. Land uses to the north include vacant R5 designated land that has been approved for single family development along with existing single family tract homes. South of the project site is a vacant R30 designated parcel and a Home Depot store and Farmer Boys restaurant with a shopping center to the south east at Perris Boulevard and Iris Avenue. Land uses to the west include vacant R5 and R30 designated land and existing single family tract homes on Indian Street. Land uses to the east include existing single family tract homes with apartments located to the northeast.

The proposed project is located along Perris Boulevard, a divided arterial roadway and at or near intersections of this major divided arterial roadway and minor arterial roadways Gention Avenue and Santiago Drive. The project is located adjacent to a segment of the Juan Bautista De Anza multi-use trail. The proposed use is consistent with the objectives and goals of the Commercial land use designation and satisfies the City's policies regarding pedestrian access, vehicular circulation, and trail connectivity. Stated policies require the avoidance of adverse noise impacts on surrounding properties and require well-lighted entrances, walkways and parking lots, and street lighting to facilitate nighttime surveillance and discourage crime.

The project as designed and conditioned would achieve the objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan and does not conflict with the goals, objectives, policies, and programs established within the Plan.

2. **Conformance with Zoning Regulations** – The proposed use complies with all applicable zoning and other regulations.

FACT: The project site is currently zoned Community Commercial (CC). The proposed Plot Plan for an 185,761 square foot retail store is a permitted use in the CC zone. The project is designed in accordance with the provisions of Chapter 9.04 Commercial Districts of the City's Municipal Code. The project as designed and conditioned would comply with all applicable zoning and other regulations.

3. **Health, Safety and Welfare** – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The proposed 185,761 square foot retail store as designed and conditioned will not result in unacceptable levels of protection from natural and man-made hazards to life, health, and property and is therefore consistent with General Goal 9.6.1. The project site is located within approximately 1 mile of Fire Station #65 and within close proximity to emergency services which is consistent with General Plan Goal 9.6.2 which requires emergency services that are adequate to meet minor emergency and major catastrophic situations.

The proposed project will not result in a development that would be inconsistent with General Plan Objective 6.1 to minimize the potential for loss of life and protect residents, workers, and visitors to the City from physical injury and property damage due to seismic ground shaking and secondary effects or General Plan Objective 6.2 to minimize the potential for loss of life and protect residents, workers, and visitors to the City from physical injury and property damage, and to minimize nuisances due to flooding.

The project has been designed consistently with the City's Municipal Code Section 9.04 Commercial Districts and meets all City requirements related to light and noise. A Final EIR has been prepared to address the potential environmental impacts of the project in accordance with the provisions of the California Environmental Quality Act (CEQA).

- 4. Location, Design and Operation –** The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

FACT: The project is located on the west side of Perris Boulevard between Gentian Avenue and Santiago Drive. The project site is zoned Community Commercial (CC). Land uses to the north include vacant R5 designated land that has been approved for single family development along with existing single family tract homes. South of the project site is a vacant R30 designated parcel and a Home Depot store and Farmer Boys restaurant with a shopping center to the south east at Perris Boulevard and Iris Avenue. Land uses to the west include vacant R5 and R30 designated land and existing single family tract homes on Indian Street. Land uses to the east include existing single family tract homes with apartments located to the northeast.

The proposed retail store is a permitted use in the CC zone. The project as designed and conditioned is compatible with existing and planned land uses in the vicinity. With the implementation of required mitigation measures and as designed and conditioned, the operation of the proposed project will be compatible with existing and proposed land uses in the vicinity.

Section 2:**FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS****1. FEES**

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA13-0032, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other

similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

Section 3:

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2015-28, and thereby:

1. **APPROVES** Plot Plan PA13-0032, subject to the attached conditions of approval included as Exhibit A.

APPROVED this 8th day of October, 2015.

Brian Lowell
Chair, Planning Commission

ATTEST:

Richard J. Sandzimier, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

Attachment A

**CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL FOR PA13-0032
 PLOT PLAN FOR A 185,761 SQUARE FOOT RETAIL STORE
 ASSESSOR'S PARCEL NUMBER: 485-220-041**

**APPROVAL DATE:
 EXPIRATION DATE:**

- Planning (P), including School District (S), Post Office (PO), Building (B)**
- Economic Development Department (EDD)**
- Fire Prevention Bureau (F)**
- Public Works Department – Land Development Division (LD)**
- Public Works Department – Special Districts Division (SD)**
- Public Works Department – Transportation Engineering (TE)**
- Moreno Valley Utilities**
- Police Department (PD)**
- Parks & Community Services Department (PCS)**

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

For questions regarding any Planning condition of approval, please contact the Planning Division at (951) 413-3206.

- P1. Plot Plan PA13-0032 is approved for development of a 185,761 square foot retail store on the 19.25 acres of Parcel 1 of Tentative Parcel Map 36606. Identified ancillary uses include a pharmacy with drive-through and a garden center.
- P2. Development of Plot Plan PA13-0032 on Parcel 1 of Tentative Parcel Map No. 36606 is subject to the approval and the subsequent recordation of this map.
- P3. Lot A shall be developed with landscape and irrigation to include street trees along the Gentian Street frontage and a minimum of decomposed granite or mulch and ground cover. The developer/owner shall be responsible for the maintenance of Lot A until such time that Lot A is conveyed to another entity.
- P4. 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

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

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three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

- P5. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, the 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)
- P6. 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)
- P7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P8. 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), proposed for this development shall be designed in conformance with the sign provisions of the Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
- P9. (GP) 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.
- P10. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will 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 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, 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 contacted within a reasonable timeframe 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).

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Prior to Issuance of Grading Permits

- P11. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P12. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be shown on the plan, be a minimum size of 24 inch box, and meet a ratio of three replacement trees for each mature tree removed or as approved by the Planning Official. (GP Objective 4.4, 4.5, DG)
- P13. (GP) 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 Division for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW- Special Districts.
- P14. (GP) 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.
- P15. (GP) 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)
- P16. (GP) Prior to the issuance of grading permits, the grading plan shall show decorative concrete paving for all driveway ingress/egress locations of the project and across drive aisles throughout the development to connect required paths of travel with the public right-of-way.
- P17. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
- A. A 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; and
 - B. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.

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Prior to Issuance of Building Permits

- P18. (BP) 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, DG)
- P19. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Planning Division review and approval. 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. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)
- P20. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Planning Division for review and approval. 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 and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed one-quarter foot-candle minimum maintained lighting measured from within five feet of any property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)
- P21. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)
- P22. (BP) Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and shall include:

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- A. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
- B. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
- C. Diamond planters shall be provided every 3 parking stalls.
- D. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
- E. Street trees shall be provided every 40 feet on center in the right of way.
- F. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.
- G. Enhanced landscaping shall be provided at all driveway entries and street corner locations.
- H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.
- I. Landscaping is required on three sides of any trash enclosure.
- J. A tree row shall be planted along the site's Gentian Street frontage to screen the loading docks on the building's north elevation.
- K. Landscape installation along the western property line shall be in conformance with California Department of Water Resources guidelines.

Prior to Certificate of Occupancy

- P23. (CO) Prior to the issuance of Certificates of Occupancy or 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).
- P24. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be inspected by the Planning Division. All on-site and common area landscaping and irrigation shall be installed in accordance with the City's Landscape Standards and the approved project landscape plans and all site clean-up shall be completed.
- P25. (BF) Prior to the issuance of building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.

MITIGATION MEASURES

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Traffic and Circulation

- P25. **4.3.1** Prior to the issuance of occupancy permits, the Project Applicant shall install the following improvements at the intersection of Perris Boulevard/Santiago Drive (Study Area Intersection 36):
- Install a traffic signal.
 - Construct an eastbound left turn lane.
- P26. **4.3.2** Prior to the issuance of occupancy permits, the Project Applicant shall install the following improvement at the intersection of Kitching Street/ John F. Kennedy Drive (Study Area Intersection 44):
- Construct a northbound left turn lane.
- P27. **4.3.3** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-215 Southbound Ramps / Cactus Avenue (Study Area Intersection 1):
- Construct a 2nd westbound left-turn lane.
- P28. **4.3.4** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-215 Northbound Ramps / Cactus Avenue (Study Area Intersection 2):
- Construct a 2nd northbound left-turn lane.
 - Construct a 3rd eastbound through WB left-turn lane.
 - Construct a 3rd westbound through lane.
- P29. **4.3.5** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Elsworth Street / Cactus Avenue (Study Area Intersection 3):
- Construct a 2nd northbound left-turn lane.
 - Remove the southbound (west leg) crosswalk.
- P30. **4.3.6** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Frederick Street / Cactus Avenue (Study Area Intersection 4):
- Construct a 3rd eastbound through lane.
- P31. **4.3.7** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Graham Street / Cactus Avenue (Study Area Intersection 5):
- Construct a 2nd southbound left turn lane.
 - Construct a 2nd eastbound left turn lane.
 - Construct a 3rd eastbound through lane.

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- P32. **4.3.8** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Gentian Avenue (Study Area Intersection 15):
- Install a traffic signal. Although the intersection does not appear to warrant a traffic signal, no other geometric improvements are anticipated to result in acceptable peak hour operations. As such, it is recommended that the intersection be monitored and a traffic signal be installed at the City Traffic Engineer's discretion.
 - Construct a northbound left turn lane.
 - Construct a southbound left turn lane.
 - Restripe the eastbound right turn lane as a shared through-right turn lane.
 - Construct a westbound shared left-through-right turn lane.
- P33. **4.3.9** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Harley Knox Boulevard (Study Area Intersection 21):
- Construct a 2nd southbound left turn lane.
 - Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct a 2nd eastbound left turn lane.
 - Construct a 2nd eastbound through lane.
- P34. **4.3.10** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound Off-Ramp / Sunnymead Boulevard (Study Area Intersection 24):
- Restripe the southbound shared left-right turn lane as a 2nd left turn lane.
 - Construct a southbound right turn lane.
- P35. **4.3.11** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Sunnymead Boulevard (Study Area Intersection 26):
- Implement overlap phasing on the eastbound right turn lane.
- P36. **4.3.12** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound On-Ramp / Sunnymead Boulevard (Study Area Intersection 27):
- Construct a roundabout¹
 - Construct an eastbound right turn lane.

¹The City has recently been awarded a Highway Safety Grant for this intersection, which will be utilized to construct a roundabout.

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- P37. **4.3.13** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Cactus Avenue (Study Area Intersection 31):
- Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.
- P38. **4.3.14** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Santiago Drive (Study Area Intersection 36):
- Install a traffic signal (same improvement as required under Existing Plus Project condition).
- P39. **4.3.15** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Iris Avenue (Study Area Intersection 37):
- Modify the existing traffic signal and implement overlap phasing on the northbound right turn lane.
- P40. **4.3.16** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Krameria Avenue (Study Area Intersection 38):
- Restripe the eastbound approach to provide a left turn lane and a shared through right turn lane.
 - Modify the traffic signal to implement protected left turn phasing for the eastbound and westbound approaches.
- P41. **4.3.17** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Harley Knox Boulevard (Study Area Intersection 41):
- Construct a 2nd northbound through lane.
 - Construct a southbound left turn lane.
 - Construct a 2nd southbound through lane.
 - Modify the traffic signal and implement overlap phasing on the southbound right turn lane.
 - Construct a 2nd eastbound left turn lane.
 - Restripe the eastbound right turn lane as a shared through-right turn lane.
 - Construct a westbound left turn lane.
 - Construct a westbound shared through-right turn lane.
- P42. **4.3.18** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the

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intersection of Perris Boulevard / Ramona Expressway (Study Area Intersection 42):

- Modify the traffic signal and implement overlap phasing on the southbound right turn lane.
- Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing.

P43. **4.3.19** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Kitching Street / Cactus Avenue (Study Area Intersection 43):

- Construct a 2nd southbound through lane.

P44. **4.3.20** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / John F. Kennedy Drive (Study Area Intersection 44):

- Construct a northbound left turn lane (same requirement as required under Existing Plus Project Condition).
- Construct a 2nd northbound through lane.
- Construct a southbound left turn lane.
- Construct a 2nd southbound through lane.
- Modify the traffic signal and implement protected left turn phasing for the northbound and southbound approaches.

P45. **4.3.20.1** Prior to the issuance of building permits, the Project Applicant shall pay requisite DIF/TUMF toward the construction of the improved roadway segment configurations listed at Table 4.3-14.

P46. **4.3.21** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-215 Southbound Ramps / Cactus Avenue (Study Area Intersection 1):

- Construct a southbound free-right turn lane.
- Construct a 2nd westbound left turn lane (same improvement required under Opening Year Conditions).

P47. **4.3.22** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-215 Northbound Ramps / Cactus Avenue (Study Area Intersection 2):

- Construct a 2nd northbound left turn lane (same improvement required under Opening Year Conditions).
- Construct a 2nd northbound through lane.

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- Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing on the southbound right turn lane.
- Re-stripe the existing eastbound shared through-right turn lane as the 3rd through lane.
- Construct an eastbound right turn lane.
- Construct a 3rd westbound through lane (same improvement required under Opening Year Conditions).
- Construct a 4th westbound through lane (to trap as the westbound right turn lane onto the I-215 Northbound ramp).
- Construct a westbound right turn lane.

P48. **4.3.23** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Elsworth Street / Cactus Avenue (Intersection 3):

- Construct a 2nd northbound left turn lane (same improvement required under Opening Year Conditions).
- Remove the southbound (west leg) crosswalk (same improvement required under Opening Year Conditions).
- Construct a 3rd eastbound through lane. The 3rd eastbound through lane is consistent with the improvements identified in the City of Moreno Valley Capital Improvement Plan (CIP).
- Construct a 4th eastbound through lane.
- Construct a 4th westbound through lane.
- Modify the traffic signal and implement protected left turn phasing for the northbound and southbound approaches.

P49. **4.3.24** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Frederick Street / Cactus Avenue (Study Area Intersection 4):

- Construct a 3rd eastbound through lane (same improvement required under Opening Year Conditions).
- Construct a 4th eastbound through lane.

P50. **4.3.25** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Graham Street / Cactus Avenue (Study Area Intersection 5):

- Construct a 2nd southbound left turn lane (same improvement required under Opening Year Conditions).
- Construct a 2nd eastbound left turn lane (same improvement required under Opening Year Conditions).
- Construct a 3rd eastbound through lane (same improvement required under Opening Year Conditions).
- Construct a 4th eastbound through lane.

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- P51. **4.3.26** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Heacock Street / Alessandro Boulevard (Study Area Intersection 6):
- Construct a 2nd northbound left turn lane.
 - Construct a 2nd southbound left turn lane.
 - Construct a 4th eastbound through lane.
- P52. **4.3.27** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Heacock Street / Cactus Avenue (Study Area Intersection 7):
- Construct a 2nd southbound left turn lane.
 - Construct a 2nd eastbound left turn lane.
 - Construct a 3rd eastbound through lane.
 - Construct a 2nd eastbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct 3rd westbound through lane.
- P53. **4.3.28** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Heacock Street / Gentian Avenue (Study Area Intersection 9):
- Install a traffic signal.
 - Construct a 2nd northbound through lane.
 - Construct a 2nd southbound through lane.
- P54. **4.3.29** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Webster Avenue / Harley Knox Boulevard (Study Area Intersection 10):
- Install a traffic signal. Although the intersection does not appear to warrant a traffic signal, no other geometric improvements are anticipated to result in acceptable peak hour operations. As such, it is recommended that the intersection be monitored and a traffic signal be installed at the City Traffic Engineer's discretion.
 - Construct a 2nd eastbound through lane.
 - Construct a 2nd westbound through lane.
- P55. **4.3.30** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Alessandro Boulevard (Study Area Intersection 12):
- Construct a 2nd northbound left turn lane.
 - Construct a 2nd southbound left turn lane.
 - Construct a 4th eastbound through lane.
 - Construct a 2nd westbound left turn lane.
 - Construct a westbound right turn lane.

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- P56. **4.3.31** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Indian Street / Cactus Avenue (Study Area Intersection 13):
- Construct a 3rd eastbound through lane.
- P57. **4.3.32** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / John F. Kennedy Drive (Study Area Intersection 14):
- Construct a northbound right turn lane.
 - Construct a 2nd southbound left turn lane.
- P58. **4.3.33** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Gentian Avenue (Study Area Intersection 15):
- Install a traffic signal (same improvement required under Opening Year Conditions).
 - Construct a northbound left turn lane (same improvement required under Opening Year Conditions).
 - Construct a southbound left turn lane (same improvement required under Opening Year Conditions).
 - Restripe the eastbound right turn lane as a shared through-right turn lane (same improvement required under Opening Year Conditions).
 - Construct a westbound shared left-through-right turn lane (same improvement required under Opening Year Conditions).
- P59. **4.3.34** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Iris Avenue (Study Area Intersection 17):
- Construct a 2nd northbound through lane.
 - Construct a 2nd southbound through lane.
 - Construct a 2nd eastbound through lane.
 - Construct a 2nd westbound through lane.
- P60. **4.3.35** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Krameria Avenue (Study Area Intersection 18):
- Install a traffic signal.
 - Construct a northbound left turn lane.
 - Construct a 2nd northbound through lane.
 - Construct a 2nd southbound through lane.
 - Construct an eastbound left turn lane.
 - Construct an eastbound through lane.
 - Construct an eastbound right turn lane with overlap phasing.

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- Restripe the westbound right turn lane as a shared through-right turn lane.
- P61. **4.3.36** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / San Michele Road (Study Area Intersection 19):
- Operation of installed traffic signal. Although the signal heads have been installed at this intersection, they are all currently flashing red for an all-way stop operation.
 - Construct two northbound left turn lanes.
 - Construct a 2nd northbound through lane.
 - Construct a northbound right turn lane.
 - Construct two southbound left turn lanes.
 - Construct a southbound right turn lane.
 - Construct an eastbound left turn lane.
 - Construct a 2nd eastbound through lane.
 - Construct two eastbound right turn lanes and modify the traffic signal to implement overlap phasing.
 - Construct a westbound left turn lane.
 - Construct a 2nd westbound through lane.
 - Construct a westbound right turn lane.
- P62. **4.3.37** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Nandina Avenue (Study Area Intersection 20):
- Operation of installed traffic signal. Although the signal heads have been installed at this intersection, they are all currently flashing red for an all-way stop operation.
 - Construct two northbound left turn lanes.
 - Modify the traffic signal and implement overlap phasing on the northbound right turn lane.
 - Construct a southbound left turn lane.
 - Construct a 3rd southbound through lane.
 - Construct a southbound right turn lane.
 - Construct a 2nd eastbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct two westbound left turn lanes.
- P63. **4.3.38** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Harley Knox Boulevard (Study Area Intersection 21):
- Construct a 3rd northbound through lane.
 - Construct a 2nd southbound left turn lane (same improvement required under Opening Year Conditions).

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- Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing (same improvement required under Opening Year Conditions).
 - Construct a 2nd eastbound left turn lane (same improvement required under Opening Year Conditions).
 - Construct a 2nd eastbound through lane (same improvement required under Opening Year Conditions).
 - Construct a 3rd eastbound through lane.
 - Construct a 3rd westbound through lane.
 - Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing.
- P64. **4.3.39** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound Off-Ramp / Sunnymead Boulevard (Study Area Intersection 24):
- Restripe the southbound shared left-right turn lane as a 2nd left turn lane (same improvement required under Opening Year Conditions).
 - Construct a southbound right turn lane (same improvement required under Opening Year Conditions).
- P65. **4.3.40** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / SR-60 Westbound Ramps (Study Area Intersection 25):
- Construct a westbound left turn lane.
- P66. **4.3.41** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Sunnymead Boulevard (Study Area Intersection 26):
- Construct a 2nd northbound left turn lane.
 - Construct a northbound right turn lane.
 - Construct a 3rd southbound through lane.
 - Implement overlap phasing on the eastbound right turn lane (same improvement required under Opening Year Conditions).
 - Construct two westbound right turn lanes and modify the traffic signal to implement overlap phasing.
- P67. **4.3.42** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound On-Ramp / Sunnymead Boulevard (Study Area Intersection 27):

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- Construct a roundabout (same improvement required under Opening Year Conditions).
- Construct a northbound left turn lane.
- Construct a 3rd eastbound through lane.
- Construct a 3rd westbound through lane.

P68. **4.3.43** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Eucalyptus Avenue (Study Area Intersection 28):

- Construct a 3rd northbound through lane.
- Construct a 3rd southbound through lane.

P69. **4.3.44** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Cottonwood Avenue (Study Area Intersection 29):

- Construct a 3rd northbound through lane.
- Construct a 3rd southbound through lane.

P70. **4.3.45** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Alessandro Boulevard (Study Area Intersection 30):

- Construct a 2nd northbound left turn lane.
- Construct a 3rd northbound through lane.
- Construct a 3rd southbound through lane.
- Construct a 2nd eastbound left turn lane.
- Construct a 3rd eastbound through lane.
- Construct a 2nd westbound left turn lane.
- Construct a westbound right turn lane.
- Modify the traffic signal and implement overlap phasing on the southbound and eastbound right turn lanes.

P71. **4.3.46** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Cactus Avenue (Study Area Intersection 31):

- Construct a 2nd northbound left turn lane.
- Construct a 3rd southbound through lane.
- Construct a 2nd eastbound left turn lane.
- Construct a 3rd eastbound through lane.
- Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing (same improvement required under Opening Year Conditions).
- Construct a westbound right turn lane.

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- P72. **4.3.47** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / John F. Kennedy Drive (Study Area Intersection 32):
- Construct a 2nd northbound left turn lane.
 - Construct a northbound right turn lane.
 - Construct a 2nd southbound left turn lane.
 - Construct a 2nd westbound left turn lane.
 - Construct a westbound right turn lane.
- P73. **4.3.48** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Gentian Avenue (Study Area Intersection 33):
- Construct a northbound left turn lane.
 - Construct an eastbound left turn lane.
 - Construct an eastbound shared through-right turn lane.
 - Construct a westbound left turn lane.
- P74. **4.3.49** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Santiago Drive (Study Area Intersection 36):
- Install a traffic signal (same improvement required under Existing Plus Project and Opening Year Conditions).
 - Construct a northbound right turn lane.
- P75. **4.3.50** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Iris Avenue (Study Area Intersection 37):
- Construct a northbound left turn lane.
 - Modify the traffic signal to implement overlap phasing on the northbound right turn lane.
 - Construct a 2nd southbound left turn lane.
 - Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct a 2nd eastbound left turn lane.
 - Construct a 3rd eastbound through lane.
 - Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct a 2nd westbound left turn lane.
 - Construct a 3rd westbound through lane.
 - Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing.

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- P76. **4.3.51** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Krameria Avenue (Study Area Intersection 38):
- Construct a 2nd northbound left turn lane.
 - Construct a northbound right turn lane.
 - Construct a 2nd southbound left turn lane.
 - Construct a southbound right turn lane.
 - Construct an eastbound left turn lane.
 - Construct a 2nd eastbound through lane.
 - Construct a 2nd westbound left turn lane.
 - Construct a 2nd westbound through lane.
 - Modify the traffic signal to implement protected left turn phasing for the eastbound and westbound approaches (same improvement required under Opening Year Conditions).
- P77. **4.3.52** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / San Michele Road (Study Area Intersection 39):
- Construct a southbound right turn lane.
 - Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.
- P78. **4.3.53** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Nandina Avenue (Study Area Intersection 40):
- Construct a 2nd eastbound left turn lane.
 - Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.
- P79. **4.3.54** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Harley Knox Boulevard (Study Area Intersection 41):
- Construct a 2nd northbound through lane.
 - Construct a 3rd northbound through lane.
 - Construct a southbound left turn lane.
 - Construct a 2nd southbound left turn lane.
 - Construct a 2nd southbound through lane.
 - Construct a 3rd southbound through lane.
 - Modify the traffic signal and implement overlap phasing on the southbound right turn lane.
 - Construct a 2nd eastbound left turn lane.
 - Construct two eastbound through lanes.

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- Construct a westbound left turn lane.
 - Construct a westbound shared through-right turn lane.
 - Construct a 2nd westbound through lane.
- P80. **4.3.55** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Ramona Expressway (Study Area Intersection 42):
- Construct a 3rd northbound through lane.
 - Construct a 3rd southbound through lane.
 - Modify the traffic signal and implement overlap phasing on the southbound right turn lane.
 - Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing.
- P81. **4.3.56** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / Cactus Avenue (Study Area Intersection 43):
- Construct a 2nd northbound left turn lane.
 - Construct a 2nd southbound through lane.
 - Construct an eastbound right turn lane.
 - Construct a westbound right turn lane.
- P82. **4.3.57** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / John F. Kennedy Drive (Study Area Intersection 44):
- Construct two northbound left turn lanes.
 - Construct a 2nd northbound through lane.
 - Construct a southbound left turn lane.
 - Construct a 2nd southbound through lane.
 - Modify the traffic signal and implement protected left turn phasing for the northbound and southbound approaches.
- P83. **4.3.58** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / Iris Avenue (Study Area Intersection 45):
- Construct a 2nd northbound left turn lane.
 - Construct a northbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct a 2nd southbound left turn lane.
 - Construct a southbound right turn lane.
 - Construct a 2nd eastbound left turn lane.
 - Construct a 3rd eastbound through lane.

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- Construct an eastbound right turn lane.
- Construct a 2nd westbound left turn lane.
- Construct a 3rd westbound through lane.

P84. **4.3.59** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Lasselle Street / Iris Avenue (Study Area Intersection 46):

- Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.
- Construct a westbound right turn lane.
- Modify the traffic signal to accommodate overlap phasing on the westbound right-turn lane.

P85. **4.3.59.1** Prior to the issuance of building permits, the Project Applicant shall pay requisite DIF/TUMF toward the construction of the improved roadway segment configurations listed at Table 4.3-18.

P86. **4.3.60** Prior to the issuance of building permits, the Project Applicant shall participate in the City's DIF/TUMF programs and in addition shall pay the Project's fair share for the improvements identified at Mitigation Measures 4.3.3 through 4.3.59.1 as presented in Appendix C, Traffic Impact Analysis, Table 9-1.

P87. **4.3.61** Certain of the improvements identified at Mitigation Measures 4.3.3 through 4.3.20 and 4.3.21 through 4.3.59 are proposed for intersections that are located within the City of Perris. Because the City of Moreno Valley does not have plenary control over intersections that are located within the City of Perris, the City of Moreno Valley cannot guarantee that such improvements will be constructed. Thus, the following additional mitigation is proposed: The Project Applicant shall contact the City of Perris and shall offer fair share fee payments; and if accepted, shall pay fair share fees for necessary non-Program traffic improvements (improvements not already included under DIF and/or TUMF Programs) located in the City of Perris. Non-Program improvements and calculated fair share fees shall be as identified at TIA Table 9-1. Offer of fair share fee payments as noted, whether accepted by the City of Perris or not, shall fulfill the Applicant's and the Lead Agency's mitigation responsibilities for Project traffic impacts affecting City of Perris intersections.

* *Measures 4.3.62 through 4.3.64 enforced through MM 4.3.61*

P88. **4.3.65** Construction trucks shall utilize the most direct route between the site and the I-215 Freeway (Cactus Avenue to Perris Boulevard). Routes other than those identified on the City's Designated Truck Route Map shall be submitted to the City Public Works Department for review and approval.

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P89. **4.3.66** The Project Applicant shall prepare a Construction Area Traffic Management Plan (Plan) to be reviewed and approved by the City Public Works Department. The Plan shall identify traffic controls; any street closures and/or detours, or other disruption to traffic circulation, as well as construction vehicle access routes, hours of construction traffic to include transport of equipment to and from the site as well as any planned import or export of soil; any pavement repairs or enhancements along proposed construction traffic routes; and other information and/or restrictions determined necessary by the Lead Agency. The Plan and its requirements shall be provided to all contractors as one component of building plan/contract document packages.

Air Quality

P90. **4.4.1** The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403 and limit fugitive dust emissions:

- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour;
- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day; and
- The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.

P91. **4.4.2** Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling. This requirement is based on the California Air Resources Board regulation in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations, which imposes a requirement that heavy duty trucks accessing the site shall not idle for greater than five minutes at any location. This measure applies to construction traffic.

P92. **4.4.3** All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. Additionally, during grading activity, total horsepower hours per day for all equipment shall not exceed 16,784 horsepower-hours per day and the maximum disturbance (actively graded) area shall not exceed five acres per day.

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P93.4.4.4 Prior to the issuance of building permits, the Project Applicant shall submit energy usage calculations showing that the Project is designed to achieve a minimum 10% efficiency beyond then incumbent California Building Code Title 24 requirements. Verification of increased energy efficiencies shall be shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of building permits. Examples of measures that reduce energy consumption include, but are not limited to, the following (it being understood that the items listed below are not all required and merely present examples; the list is not all-inclusive and other features that achieve the required energy efficiency performance standard also are acceptable):

- Increase in insulation such that heat transfer and thermal bridging is minimized;
- Limit air leakage through the structure and/or within the heating and cooling distribution system;
- Use of energy-efficient space heating and cooling equipment;
- Installation of electrical hook-ups at loading dock areas;
- Installation of dual-paned or other energy efficient windows;
- Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards;
- Installation of automatic devices to turn off lights where they are not needed;
- Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings;
- Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors;
- Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products.

P94.4.4.5 Enhanced Water Conservation Required: Prior to the issuance of building permits, the Project Applicant shall prepare a Water Conservation Strategy demonstrating a minimum 30% reduction in outdoor water usage when compared to baseline water demand (total expected water demand without implementation of the Water Conservation Strategy).² Verification of decreased outdoor water usage shall be documented in CalGreen Code Compliance Worksheets provided by the Applicant, and reviewed and approved by the City prior to the issuance of building permits. Correlating documentation shall be incorporated in the Project landscape plans.

The Project shall also implement the following:

- Landscaping palette emphasizing drought tolerant plants;
- Use of water-efficient irrigation techniques;
- U.S. Environmental Protection Agency (EPA) Certified WaterSense labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.

² AA reduction of 20% indoor water use shall be achieved pursuant to CalGreen Code performance standards for residential and non-residential land uses. Per CalGreen, the reduction shall be based on the maximum allowable water use per plumbing fixture and fittings as quantified in the California Building Standards Code.

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Noise

- P95. **4.6.1** Install temporary noise control barriers that provide a minimum noise level attenuation of 17 dBA when Project construction activities occur within 200 feet of existing residential structures or other off-site sensitive receptor land uses that are occupied or actively utilized. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the noise source. Unnecessary openings shall not be made.
- The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.
 - The noise control barriers and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity.
- P96. **4.6.2** For other than grading activities, noise-generating Project construction activities shall not occur between the hours of 8 p.m. to 8 a.m. Grading operations shall be limited to between the hours of 8a.m. and 6 p.m. weekdays, and 8 a.m. to 4 p.m. on weekends and holidays, or as otherwise approved by the City Engineer.
- P97. **4.6.3** During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site noise sensitive receptors nearest the Project site.
- P98. **4.6.4** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site noise sensitive receptors nearest the Project site during all Project construction activities.
- P99. **4.6.5** The construction contractor shall prohibit haul truck deliveries to the Project site, including transportation of heavy construction equipment, consistent with timeframe limitations specified for general construction equipment operations, other than grading, (i.e., deliveries are prohibited between the hours of 8 p.m. to 8 a.m.) The Project Applicant shall prepare a haul route exhibit for review and approval by the City Planning Division prior to commencement of construction activities. The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.

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P100.4.6.6 The construction contractor shall post a publicly visible sign with Contractor and City telephone numbers and persons to contact regarding noise complaints. The construction manager, within 72 hours of receipt of a noise complaint, shall either take corrective actions or, if immediate action is not feasible, provide a plan of corrective action to address the source of the noise complaint. Plan(s) for corrective action shall be submitted to City for approval, and shall be implemented within 24 hours of City approval. Pending City approval, offending construction activities shall cease, or the source of objectionable noise shall otherwise be terminated.

Hydrology and Water Quality

P101. 4.7.1 Prior to the issuance of grading permits, the Project Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Moreno Valley, Riverside County Flood Control and Water Conservation District, and Santa Ana Regional Water Quality Control Board for review and approval. The SWPPP shall identify Best Management Practices (BMPs) intended to prevent the release of sediment and pollutants into downstream waterways. Examples of construction BMPs to be incorporated in the Project include, but are not limited to, the following:

- Silt Fences;
- Check Dams;
- Gravel Bag Berms;
- Street Sweeping and Vacuuming;
- Sand Bag Barriers;
- Storm Drain Inlet Protection;
- Wind Erosion Control;
- Stabilized Construction Entrance/Exit; and
- Entrance/Outlet Tire Wash.

Post-construction BMPs to reduce sediments and other pollutants include, but are not limited to, the following:

- Providing permanent cover to stabilize the disturbed surfaces after construction has been completed;
- Incorporating structural BMPs (e.g., grease traps, debris, screens, continuous deflection separators, oil/water separators, drain inlet inserts) into the Project's design to provide detention and filtering of contaminants in urban runoff prior to discharge to stormwater facilities;
- Precluding non-stormwater discharges to the stormwater system; and
- Performing monitoring of discharges to the stormwater system.

P102. 4.7.2 Prior to the issuance of grading permits, the Project Applicant shall submit a final Water Quality Management Plan (WQMP) to the City of Moreno Valley,

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Riverside County Flood Control and Water Conservation District, and Santa Ana Regional Water Quality Control Board for review and approval. The WQMP shall identify Best Management Practices (BMPs) addressing all post-construction pollutant discharges. Examples of BMPs included in the Project's Preliminary WQMP include the following:

Source Control/Non-Structural BMPs

- Education of property owners, operators, tenants, occupants, or employees;
- Street Sweeping of Private Streets and Parking Lots;
- Drainage facility inspection and maintenance;
- Roof Runoff Controls;
- Efficient Irrigation;
- Protection of Slopes and Channels;
- Storm Drain stenciling and signage;
- Trash Storage Areas and Litter Control;
- Irrigation system and landscape maintenance; and
- Loading dock drainage controls.

Site Design/Structural BMPs

- Maximize permeable areas;
- Minimize street, sidewalk, and parking lot aisle widths;
- Maintain natural drainage patterns;
- Incorporate drought-tolerant landscaping;
- On-site ponding areas or retention facilities to increase opportunities for infiltration;
- Convey roof runoff to landscaping/permeable areas prior to discharge to storm drains;
- Drain sidewalks and walkways to adjacent landscaped areas; and
- Integration of landscaping and drainage designs.

Geology and Soils

P103. **4.8.1** Design and development of the Project shall comply with recommendations and performance standards identified within the Final Geotechnical Investigation. Where the Project Geotechnical Investigation is silent, requirements of the California Building Code as adopted and implemented by the City shall prevail.

Biological Resources

P104. **4.9.1** Within 30 days prior to disturbance at the Project site, a pre-construction survey shall be conducted for burrowing owl (*Athene cunicularia*), and if owls are present, they can be relocated following accepted protocols to comply with the

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MSHCP. The findings of the survey shall be submitted to the California Department of Fish and Wildlife.

- P105. **4.9.2** To avoid impacts to nesting birds and to comply with the federal Migratory Bird Treaty Act of 1918 (MBTA):
- If possible, all vegetation removal activities shall be scheduled from August 1 to February 15, which is outside the nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly.
 - If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist 72 hours prior to clearing. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the qualified biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist shall be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

Cultural Resources

- P106. **4.10.1** If any prehistoric/historic archaeological resources are encountered during the initial grading and over-excavation phases of construction, the developer will retain a qualified archaeologist to monitor construction activities, and to take appropriate measures to avoid, protect or preserve these resources for study.
- P107. **4.10.2** If significant Native American cultural resources are discovered for which a Treatment Plan must be prepared, the developer or archaeologist shall contact all appropriate Native American tribal representatives, as identified by the Native American Heritage Commission. If requested by the Tribe(s), the City, the developer, or the Project archaeologist, the City shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, return of artifacts to tribe, etc.). A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the Applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.
- P108. **4.10.3** Any excavation exceeding five feet below the current grade shall be monitored by a qualified paleontologist. If older alluvial deposits are encountered at shallower depths, monitoring shall be initiated once these deposits are encountered. A qualified paleontologist is defined as an individual with an M.S. or a Ph.D. in paleontology or geology who is familiar with paleontological

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procedures and techniques. A paleontological monitor may be retained to perform the on-site monitoring in place of the qualified paleontologist. The paleontological monitoring program should follow the local protocols of the Western Center (Hemet) and/or the San Bernardino County Museum and a paleontological monitoring plan should be developed prior to the ground altering activities. The extent and duration of the monitoring can be determined once the grading plan is understood and approved. The paleontological monitor shall have the authority to halt any Project-related activities that may be adversely impacting potentially significant resources. If paleontological resources are uncovered or otherwise identified, they shall be recovered, analyzed in accordance with standard guidelines, and curated with the appropriate facility (e.g. the Western Center at the Diamond Valley Reservoir, Hemet).

Hazards and Hazardous Materials

P109. **HA-1** Any soils to be disposed of off-site shall be sampled prior to their transport from the Project site. Soils transported off-site for disposal shall be sampled for contamination of herbicides, pesticides, and fertilizers consistent with a soil management plan to be prepared for this Project. Sample results may provide an indication as to the presence of chemicals of concern which require special handling during disposal. Any additional impacted soil identified during site work, shall be removed and additional confirmatory sampling shall be conducted until non-actionable levels of pesticides are found.

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Building and Safety Division

- B1. New buildings shall comply with the current California Building Standards Code (CBC, CEC, CMC, CPC and Green Building Standards) as well as City ordinances. Plans shall be submitted to the Building and Safety Division as a separate submittal and shall include a soils report at time of first submittal. The current edition is the 2013 CBC and is for all new building permit applications.
- B2. Prior to final inspection, all plans shall be placed on a CD Rom for reference and verification. Plans will include “as built” plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building and Safety Division. In addition, a site plan showing the path of travel from public right of way with elevations will be required.
- B3. Obtain any required approvals from SCAQMD for any proposed demolitions, if necessary, prior to building permit application submittals.
- B4. Prior to the issuance of a building permit, the applicant shall submit a properly completed “Waste Management Plan” (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.
- B5. Prior to the issuance of a building permit, show on the plans that all exterior doors comply with the requirements of CBC Chapter 11 for accessible path of travel from every exit door, especially in consideration of doors that may be designated as exits due to interior obstructions to path of travel due to racks, equipment and other interior obstruction to the exit path of travel.
- B6. Prior to the issuance of a building permit, show on the plans that no gutter, drainage feature, swale or other deviation in the flat level surface at the accessible parking spaces exists within and for a minimum four foot extension beyond the outer dimensions of the parking space, loading zone and path of travel.
- B7. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- B8. Plumbing plans shall be prepared, including isometrics, for required plumbing fixtures based on California Plumbing Code, Chapter 4.

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- B9. The proposed new development may be subject to the payment of development fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.

SCHOOL DISTRICT

- S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

- PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

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ECONOMIC DEVELOPMENT DEPARTMENT

EDD1. New Moreno Valley businesses are encouraged to hire local residents.

EDD2. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Employment Resource Center (“ERC”).

The ERC offers no cost assistance to businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

EDD3. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.

EDD4. 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.

EDD5. 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 the public recruitment.

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FIRE PREVENTION BUREAU

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. 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. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. 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)
- F2. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan that specifies the fire lanes and signage. (CFC 501.3)
- F3. 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 MV City Standard Engineering Plan 422 a, b, c)
- F4. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (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. (CFC 501.4 and MV City Standard Engineering Plan 108d)
- F5. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than thirty (30) feet as approved by the Fire Prevention Bureau 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])
- F6. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])

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- F7. 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)
- F8. 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)
- F9. 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 12 inches in height. (CFC 505.1)
- F10. 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 provided with Knox access equipment. (CFC 506.1)
- F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F12. 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])
- F13. 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)
- F14. 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

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- c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

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.

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)

- F15. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.
- F16. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 33 & CBC Chapter 33)
- F17. 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)
- F18. 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)
- F19. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install

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equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with CFC 105.

F20. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

- a) Storage and use areas;
- b) Maximum amount of each material stored or used in each area;
- c) Range of container sizes;
- d) Locations of emergency isolation and mitigation valves and devices;
- e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
- f) On and off positions of valves for valves which are of the self-indicating type;
- g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
- h) Site plan showing all adjacent/neighborhood structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F21. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

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PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

- LD1. (G) 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)
- LD2. (G) 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 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. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) 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. The City Engineer may require the construction of necessary utilities, streets 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.
- LD3. (G) 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. In the event that the developer is unsuccessful, he 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)
- LD4. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate 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 Public Improvement Agreement or issuance of a permit.

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- LD5. (G) The developer shall monitor, supervise and control all construction and construction supportive 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 Public Works Department.
 - (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 shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the 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.

- LD6. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. 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)
- LD7. (G) 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.
- LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.
- LD9. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on

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twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

Prior to Grading Plan Approval or Grading Permit

- LD10. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD11. (GPA) Prior to approval of grading plans, 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. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
 - d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
 - e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.
- LD12. (GPA) Prior to approval of the grading plans 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). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.
- LD13. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :
- 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;

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- b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
- c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
- d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
- e. 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 of the Public Works Department.

- LD14. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in PDF format prior to grading plan approval.
- LD15. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
- LD16. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's 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.
- LD17. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD18. (GPA) Prior to grading plan, resolution of all drainage issues shall be as approved by the City Engineer.
- LD19. (GP) Prior to issuance of a grading permit, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.
- LD20. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

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- LD21. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project. (MC 8.21.070)
- LD22. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the implementation and maintenance of erosion control measures required as a condition of approval of the project. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the City. (MC 8.21.160)
- LD23. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

- LD24. (MA) Prior to approval of the map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, drainage easements, reciprocal access, private and/or public utility easements as may be relevant to the project. Alternatively, easements and/or agreements by separate instrument may be submitted.
- LD25. (MA) Prior to approval of the map, all street dedications shall be 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. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD26. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.
- LD27. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)
- LD28. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

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Prior to Improvement Plan Approval or Construction Permit

- LD29. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD30. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)
- LD31. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.
- LD32. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.
- LD33. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:
- a. Corner cutbacks in conformance with City Standard MVSI-165-0 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
 - b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)
 - c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)
 - d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees per City Standard No. MVSI-160A-0, or as approved by the City Engineer. (MC 9.14.020)
 - e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.
- LD34. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.
- LD35. (IPA) Prior to approval of the improvement plans, 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 years old and recently slurry

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- sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.
- LD36. (IPA) Prior to approval of the improvement plans, 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, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.
- LD37. (IPA) Prior to approval of the improvement plans, drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)
- LD38. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)
- LD39. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will 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 Public Works Department – Land Development Division. (MC 9.14.110)
- LD40. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)
- LD41. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

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LD42. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in digital (PDF) format to the Land Development Division of the Public Works Department.

LD43. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD44. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of “Blue-top” markers installed by a registered land surveyor or licensed engineer.

LD45. (BP) Prior to the first building permit and prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD46. (BP) Prior to the first building permit and prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement by the timing as specified above, no credits will be given for any work. Prior to approval of the TUMF Improvement Credit Agreement, an approved engineer’s cost estimate and street improvement plan are required.

Prior to Certificate of Occupancy

LD47. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD48. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD49. (CO) Prior to issuance of a certificate of occupancy, this project is subject to requirements 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. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of certificate of occupancy issuance. Following are the requirements:

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- a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
 - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
 - ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
 - b. Notify the Special Districts Division of the intent to request building permits 90 days prior to their issuance and the financial option selected. The financial option selected shall be in place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)
- LD50. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Under grounding of existing and proposed utility lines less than 115,000 volts.
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
- LD51. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)
- LD52. (CO) Prior to issuance of a certificate of occupancy or building final, punch list work for improvements and capping of streets in that phase must be completed and approved for acceptance by the City.
- LD53. (CO) Prior to issuance of a certificate of occupancy, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved

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final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the “Stormwater Treatment Device and Control Measure Access and Maintenance Covenant,” can be obtained by contacting the Land Development Division of the Public Works Department.

- LD54. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State’s General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
- LD55. (CO) Prior to issuance of a certificate of occupancy or building final, 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 to the City for review and approval.

Prior to Acceptance of Streets into the City Maintained Road System

- LD56. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the one-year warranty period of the public streets at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. 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.
- LD57. Prior to parcel map approval, the map shall show the following:
- a. The appropriate right-of-way dedication along Perris Boulevard frontage shown as Lot B on the tentative parcel map. This includes right-of-way required for a bus turn-out as conditioned by the Transportation Engineering Division.
 - b. The appropriate right-of-way dedication on Santiago Drive frontage shown as Lot C on the tentative parcel map.
 - c. The appropriate right-of-way dedication on Gentian Street frontage shown as Lot D on the tentative parcel map.
 - d. A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach, per City Standard MVSI-112C-0, on Perris Boulevard, Santiago Drive and Gentian Street.

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LD58. Prior to parcel map approval, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements along the project frontage shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

- a. Perris Boulevard, Divided Arterial, City Standard (modified) MVSI-103C-0 (110-foot RW / 86-foot CC) shall be constructed to complete the half-width along the entire project's east frontage. Remaining improvements shall consist of, but not be limited to, a raised median, curb-separated sidewalk, driveway approaches, drainage structures, streetlights, pedestrian access ramps, undergrounding of overhead utility lines less than 115,000 volts, and dry and wet utilities. In addition, the applicant will be required to install, replace and/or repair any missing, damaged or substandard improvements that do not meet current City standards. 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.
- b. Santiago Drive, Collector (modified), City Standard MVSI-106B-0 (66-foot RW / 44-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, along the entire project's south frontage. Additional right-of-way dedications at driveway approaches along the project's south property line shall be shown on the parcel map. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, streetlights, pedestrian access ramps, undergrounding of overhead utility lines less than 115,000 volts, bicycle/pedestrian path and dry and wet utilities.
- c. Gentian Street, Minor Arterial (modified), City Standard MVSI-105A-0 (88-foot RW / 64-foot CC) shall be constructed to half-width plus an additional 18 feet north of the centerline, along the entire project's north frontage. Additional right-of-way dedications at driveway approaches along the project's north property line, shall be shown on the parcel map. Improvements shall consist of, but not be limited to, a raised median, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, streetlights, pedestrian access ramps, dry and wet utilities.
- d. Sunnymead Master Drainage Plan Line M-2 within the public right-of-way in Santiago Drive, Perris Boulevard and Iris Avenue. This includes, but not limited to, construction of a 39-inch minimum storm drain, laterals, catch basins/inlets, and local depressions as needed.

LD59. Prior to rough grading plan approval, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition, unless the study

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demonstrates that the existing or proposed drainage facilities can accommodate the increased run-off. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures may be required beyond those shown on the tentative map and preliminary drainage study.

- LD60. Prior to rough grading plan approval, the Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-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: stormwater BMPs; LID principles; Source control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.
- a. The Applicant has proposed to incorporate the use of infiltration basin and dry wells. 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. 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.
 - c. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.
 - d. The proposed dry wells may be subject to current or future regulation and permitting by the U.S. Environmental Protection Agency (EPA), the State of California State Water Resource Control Board, or the California Regional Water Quality Control Board. The Applicant is responsible for compliance with all applicable regulations and permit requirements. At a minimum, the Applicant shall include in the F-WQMP a copy of the EPA document, "Inventory of Injection Wells" (EPA Form 7520-16), along with proof of filing of said inventory document with the EPA.
 - e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in 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.

LD61. Prior to precise grading plan approval, emergency overflow area(s) 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, an emergency spillway in the proposed detention basin(s).

LD62. Prior to issuance of a building permit, the precise grading plans shall be approved.

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- LD63. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan MVFG-660 Series.
- LD64. Prior to precise grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.
- LD65. Prior to street improvement plan approval, 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.
- LD66. Prior to occupancy, all overhead utility lines less than 115,000 volts fronting or within the entire project site boundary shall be placed underground per Section 9.14.130C of the City Municipal Code.
- LD67. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:
- a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
 - b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
 - c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
 - d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.
- LD68. Prior to occupancy, as-built street improvement plans, storm drain plans and precise grading plans shall be submitted for review and approved.

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PUBLIC WORKS DEPARTMENT – SPECIAL DISTRICTS DIVISION

Acknowledgement of Conditions

The following items are the Special Districts Division's Conditions of Approval for project PA13-0032; this project shall be completed at no cost to any Government Agency. All questions regarding the following Conditions including but not limited to intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Financial & Management Services Department 951.413.3480 or by emailing specialdistricts@moval.org.

General Conditions

- SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks & Community Services) and Zone C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.
- SD2. Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into a City coordinated landscape maintenance program, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. The guidelines are available on the City's website at www.moval.org/sd or from the Special Districts Division (951.413.3480 or specialdistricts@moval.org).
- SD3. The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/or median landscape maintenance for a period of one (1) year commencing from the time all items of work have been completed to the satisfaction of the Director for the Special Districts Division or their appointed staff as per the *City of Moreno Valley Public Works Department Landscape Design Guidelines*, or until such time as the District accepts maintenance responsibilities.
- SD4. Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be repaired/replaced by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.
- SD5. The ongoing maintenance of any landscaping required to be installed behind the curb on Gentian Avenue, Perris Boulevard and Santiago Drive shall be the responsibility of the property owner.

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- SD6. Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
- SD7. Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)
- SD8. Street Light Authorization forms for all street lights that are conditioned to be installed as part of this project must be submitted to the Special Districts Division for approval, prior to street light installation. The Street Light Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison. For questions, contact the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.

Prior to Building Permit Issuance

- SD9. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for Public Safety services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the property owner shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org when submitting the application for building permit issuance to determine the requirement for participation. This condition will not apply if the first building permit for the project is obtained prior to formation of the district. If the condition applies, conducting a special election may take up to 90 days to complete the process in compliance with the provisions of Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)
- SD10. (BP) This project is conditioned to provide a funding source for the capital improvements, energy charges, and maintenance for residential street lighting. The Developer shall satisfy the condition with one of the options below.
- a. Participate in a special election (mail ballot proceeding) for street lighting and pay all associated costs of the ballot process and formation, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or

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- b. Establish an endowment fund to cover future operation and maintenance costs for the street lights.
- c. Projects with privately maintained streets, establish a property Owner Association (POA) or Home Owner's Association (HOA) which will be responsible for any and all operation and maintenance costs associated with the street lights installed on private roadways. This does not apply to publicly accepted roadways.

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

The financial option selected shall be in place prior to the issuance of the first building permit.

SD11. (BP) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Gentian Avenue and Perris Boulevard median landscape. The Developer shall satisfy the condition with one of the options outlined below.

- a. Participate in a special election (mail ballot proceeding) for improved median maintenance and pay all associated costs of the ballot process and formation, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the city; or
- b. Fund an endowment to cover the future maintenance costs of the landscaped area.

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

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

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SD12. (BP) This project is conditioned for a proposed district to provide a funding source for the operation and maintenance of public improvements and/or services associated with new development in that territory. The Developer shall satisfy this condition with one of the options outlined below.

- a. Participate in a special election for maintenance/services and pay all associated costs of the election process and formation, if any. Financing may be structured through a Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
- b. Establish an endowment fund to cover the future maintenance and/or service costs.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org when submitting the application for building permit issuance. If the first building permit is pulled prior to formation of the district, this condition will not apply. If the district has been or is in the process of being formed the Developer must inform the Special Districts Division of its selected financing option (a. or b. above). The option for participating in a special election requires 90 days to complete the special election process to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution.

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

SD13. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide for, but not limited to, stormwater utilities services for the monitoring of on-site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, a funding source needs to be established. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option for the National Pollution Discharge Elimination System (NPDES) program when submitting the application for the first building permit issuance (see Land Development's related condition). If participating in a special election the process requires a 90 day period prior to the City's issuance of a building permit to allow adequate time to be in compliance with the provisions of Article 13D of the California Constitution. (California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)

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SD14. (BP) Prior to the issuance of the first building permit for this project, the Developer shall pay Advanced Energy fees for all applicable Residential and Arterial Street Lights required for this development. Payment shall be made to the City of Moreno Valley and collected by the Land Development Division. Fees are based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges, and Rates adopted by City Council. The Developer shall provide a copy of the receipt to the Special Districts Division (*specialdistricts@moval.org*). Any change in the project which may increase the number of street lights to be installed will require payment of additional Advanced Energy fees at the then current fee. Questions may be directed to the Special Districts Division at 951.413.3480 or *specialdistricts@moval.org*.

SD15. (BP) For those areas to be maintained by the City and prior to the issuance of the first Building Permit, Planning Division (Community and Economic Development Department), Special Districts Division (the Financial & Management Services Department) and Transportation Division (the Public Works Department) shall review and approve the final median, parkway, slope, and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD16. (CO) All parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the occupancy of the First Building for this project.

SD17. (CO) Landscape and irrigation plans for parkway, median, slope, and/or open space landscape areas designated to be maintained by the City shall be placed on compact disk (CD) in pdf format. The CD shall include "As Built" plans, revisions, and changes. The CD will become the property of the City of Moreno Valley and the Moreno Valley Community Services District.

PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

General Conditions

TE1. Perris Boulevard is classified as a Six-Lane Divided Arterial (110' RW/86' CC) per City Standard Plan No. MVSI-103C-0. A raised median will be required as part of this project. Any improvements to the roadway shall be per City

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standards. Citywide Communication Conduits shall be installed along project frontage per City Standard Plan No. MVSI-186-0.

- TE2. Gentian Avenue is classified as a modified Minor Arterial (88' RW/64' CC) per City Standard Plan No. MVSI-105A-0, modified as necessary for a raised median. Any improvements to the roadway shall be per City standards, modified as necessary. Citywide Communication Conduits shall be installed along project frontage per City Standard Plan No. MVSI-186-0.
- TE3. Santiago Drive is classified as a Collector Street (66' RW/44' CC) per City Standard Plan No. MVSI-106B-0. Any improvements to the roadway shall be per City standards.
- TE4. Driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code – Design Guidelines and City of Moreno Valley Standard No. MVSI-112C-0 for commercial driveway approach. Perris Boulevard access at the proposed driveways shall be right-in/right-out due to the raised median.
- TE5. Conditions of approval may be modified or added if a modified plan is submitted for this development.

Prior to Improvement Plan Approval or Construction Permit

- TE6. Prior to the final approval of the street improvement plans, traffic signal modification plans will be required for the traffic signal located at Perris Boulevard and Gentian Avenue. Modifications may include but not limited to new signal poles, new pull boxes, new traffic detector loops, etc.
- TE7. Prior to the final approval of the street improvement plans, traffic signal plans shall be prepared for the intersection of Perris Boulevard and Santiago Drive.
- TE8. Prior to the final approval of the street improvement plans, a bus bay shall be designed for southbound Perris Boulevard, just south of Gentian Avenue per City Standard Plan No. MVSI-161-0.
- TE9. Prior to the final approval of the street improvement plans, the intersection of Kitching Street at John F. Kennedy Drive shall be designed for a northbound left turn lane. Traffic signal modification plans may be required as part of the street improvement.
- TE10. 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.

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TE11. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.

TE12. Prior to final approval of the street improvement plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0.

Prior to Building Permit

TE13. (BP) Prior to the issuance of Building Permit, the project applicant shall make a fair-share payment to the City of Moreno Valley for improvements identified in the project Traffic Study.

Prior to Certificate of Occupancy or Building Final

TE14. (CO) Prior to issuance of Certificate of Occupancy, improvements identified in TE6, TE7, TE8, and TE9 shall be completed per the approved plans to the satisfaction of the City Engineer.

TE15. (CO) Prior to issuance of Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

Prior to Acceptance of Streets into the City-maintained Road System

TE16. 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.

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FINANCIAL & MANAGEMENT SERVICES DEPARTMENT – ELECTRIC UTILITY

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA13-0032; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3500. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Energizing MVU Electric Utility System and Certificate of Occupancy

- MVU1. (R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
- MVU2. (BP) City of Moreno Valley Municipal Utility Service – Electrical Distribution: Prior to constructing the MVU Electric Utility System, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision 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, or the City's designee, 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

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adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as “utility system” (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all “utility services” to each lot and unit within the Tentative Map. 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.

- MVU.3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. Payment shall be required prior to issuance of building permits.
- MVU.4. For all new projects, existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer 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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POLICE DEPARTMENT

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)
- PD2. (GP) 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. (MC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community Development Department - Building Division for routing to the Police Department. (MC 9.08.080)
- PD4. Address numbers should be placed at multiple locations on the building and shall be illuminated and clearly visible from the street.
- PD5. Rooftop addressing shall also be required of all buildings.
- PD6. All exterior doors in the rear and the front of the buildings need an address or suite number on them.
- PD7. All rear exterior doors should have an overhead low sodium light or a light comparable to the same.
- PD8. All lighting affixed to the exterior of buildings less than 8 feet high shall be vandal resistant.
- PD9. All exterior doors shall have a vandal resistant light fixture installed above the door. The doors shall be illuminated with a minimum one foot candle illumination at ground level, evenly dispersed.

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- PD10. The doors shall be illuminated with a minimum one foot candle illumination at ground level, evenly dispersed.
- PD11. The exterior of the building should have high-pressure sodium lights and or Metal halide lights installed and strategically placed throughout the exterior of the building.
- PD12. The parking lot should have adequate lighting to insure a safe environment for customers and or employees. The parking lot and buildings should be well lit to minimize the shadows cast by landscaping and trees on the property.
- PD13. All landscape cover should not exceed over 3' from the ground in the parking lot.
- PD14. Bushes that are near the exterior of the building should not exceed 4' and should not be planted directly in front of the buildings or walkways.
- PD15. Trees, which exceed 20', should have a 7' visibility from the ground to the bottom half of the tree. This is so that patrons or employees can view the whole parking lot while parking their vehicles in the parking lot.
- PD16. Ensure any trees surrounding building rooftops be kept at a distance to prevent roof accessibility by potential burglars. Since trees also act as a natural ladder, the branches must be pruned to have at least six foot clearance from the buildings.
- PD17. Cash registers shall be placed near the front entrance of the store.
- PD18. Window coverings shall comply with the city ordinance.
- PD19. No loitering signs shall be posted in plain view throughout the building.
- PD20. Sufficient lighting is to be provided over all mailbox areas.

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PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA13-0032; this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. This project will be located next to the aqueduct bikeway. The applicant shall consider vandal resistant and graffiti resistant fencing. The recommendation for durable fencing is tubular steel as found in the City's Standard Plans. Fencing and footings shall be placed solely on the applicant's property.

PCS2. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks and Community Services). All assessable parcels therein shall be subject to the annual Zone 'A' charge for operations and capital improvements.

PLANNING COMMISSION RESOLUTION NO. 2015-29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING CONDITIONAL USE PERMIT APPLICATION PA13-0034 FOR DEVELOPMENT OF A GAS STATION OR FAST FOOD RESTAURANT ON 1.0 ACRE OF PARCEL 2 OF TENTATIVE PARCEL MAP 36606 (ASSESSOR'S PARCEL NUMBER 485-210-041)

Section 1:

WHEREAS, Kimley-Horn and Associates, Inc., on behalf of Walmart Real Estate Business Trust, has filed an application for the approval of Plot Plan PA13-0034 for development of a gas station or fast food restaurant on the 1.0 acre of Parcel 2 of proposed Tentative Parcel Map 36606; and

WHEREAS, the application has been evaluated in accordance with established City of Moreno Valley procedures, and with consideration of the General Plan and other applicable regulations; and

WHEREAS, upon completion of a through development review process the project was appropriately agendized and noticed for a public hearing before the Planning Commission; and

WHEREAS, on October 8, 2015, the Planning Commission of the City of Moreno Valley conducted a public hearing to consider the application; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on October 8, 2015, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: General Plan Objective 2.4 states that commercial areas are to be provided within the City that are conveniently located, efficient, attractive, and have safe and easy pedestrian and vehicular circulation in order to serve the retail and service commercial needs of Moreno Valley residents and businesses. The proposed project has a Commercial land use designation. Land uses to the north include vacant R5 designated land that has been approved for single family development along with existing single family tract homes. South of the project site is a vacant R30 designated parcel and a Home Depot store and Farmer Boys restaurant with a shopping center to the south east at Perris Boulevard and Iris Avenue. Land uses to the west include vacant R5 and R30 designated land and existing single family tract homes on Indian Street. Land uses to the east include existing single family tract homes with apartments located to the northeast.

The proposed project is located along Perris Boulevard, a divided arterial roadway and at or near intersections of this major divided arterial roadway and minor arterial roadways Gention Avenue and Santiago Drive. The project is located adjacent to a segment of the Juan Bautista De Anza multi-use trail. The proposed use is consistent with the objectives and goals of the Commercial land use designation and satisfies the City's policies regarding pedestrian access, vehicular circulation, and trail connectivity. Stated policies require the avoidance of adverse noise impacts on surrounding properties and require well-lighted entrances, walkways and parking lots, and street lighting to facilitate nighttime surveillance and discourage crime.

The project as designed and conditioned would achieve the objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan and does not conflict with the goals, objectives, policies, and programs established within the Plan.

2. **Conformance with Zoning Regulations** – The proposed use complies with all applicable zoning and other regulations.

FACT: The project site is currently zoned Community Commercial (CC). The proposal for either a gas station or fast food restaurant with drive-through requires approval of a Conditional Use Permit in the CC zone. The project is designed in accordance with the provisions of Chapter 9.04 Commercial Districts of the City's Municipal Code and Sections 9.09.080 Drive-in, Drive-through, Fast Food and Take-out Restaurants and 9.09.200 Service stations. The project as designed and conditioned would comply with all applicable zoning and other regulations.

3. **Health, Safety and Welfare** – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The proposed gas station or fast food restaurant as designed and conditioned will not result in unacceptable levels of protection from natural and man-made hazards to life, health, and property and is therefore consistent with General Goal 9.6.1. The project site is located within approximately 1 mile of Fire Station #65 and within close proximity to emergency services which is consistent with General Plan Goal 9.6.2 which requires emergency services that are adequate to meet minor emergency and major catastrophic situations.

The proposed project will not result in a development that would be inconsistent with General Plan Objective 6.1 to minimize the potential for loss of life and protect residents, workers, and visitors to the City from physical injury and property damage due to seismic ground shaking and secondary effects or General Plan Objective 6.2 to minimize the potential for loss of life and protect residents, workers, and visitors to the City from physical injury and property damage, and to minimize nuisances due to flooding.

The project has been designed consistently with the City's Municipal Code Section 9.04 Commercial Districts and meets all City requirements related to light and noise. A Final EIR has been prepared to address the potential environmental impacts of the project in accordance with the provisions of the California Environmental Quality Act (CEQA).

4. **Location, Design and Operation** – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

FACT: The project is located on the west side of Perris Boulevard between Gentian Avenue and Santiago Drive. The project site is zoned Community Commercial (CC). Land uses to the north include vacant R5 designated land that has been approved for single family development along with existing single family tract homes. South of the project site is a vacant R30 designated parcel and a Home Depot store and Farmer Boys restaurant with a shopping center to the south east at Perris Boulevard and Iris Avenue. Land uses to the west include vacant R5 and R30 designated land and existing single family tract homes on Indian Street. Land uses to the east include existing single family tract homes with apartments located to the northeast.

The proposed retail store is a permitted use in the CC zone. The project as designed and conditioned is compatible with existing and planned land uses in the vicinity. With the implementation of required mitigation measures and as designed and conditioned, the operation of the proposed

project will be compatible with existing and proposed land uses in the vicinity.

The proposed retail store is a permitted use in the CC. The project as designed and conditioned is compatible with existing and planned land uses in the vicinity. With the implementation of required mitigation measures and as designed and conditioned, the operation of the proposed project will be compatible with existing and proposed land uses in the vicinity.

Section 2:

FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA13-0034, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

Section 3:

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2015-29, and thereby:

1. **APPROVES** Conditional Use Permit PA13-0034, subject to the attached conditions of approval included as Exhibit A.

APPROVED this 8th day of October, 2015.

Brian Lowell
Chair, Planning Commission

ATTEST:

Richard J. Sandzimier, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

Attachment A

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR PA13-0034
CONDITIONAL USE PERMIT FOR OPTION A - SERVICE STATION OR
OPTION B - FAST FOOD RESTAURANT
ASSESSOR'S PARCEL NUMBER: 485-220-041

APPROVAL DATE:
EXPIRATION DATE:

- X Planning (P), including School District (S), Post Office (PO), Building (B)
- X Economic Development Department (EDD)
- X Fire Prevention Bureau (F)
- X Public Works Department – Land Development Division (LD)
- X Public Works Department – Special Districts Division (SD)
- X Public Works Department – Transportation Engineering (TE)
- X Moreno Valley Utilities
- X Police Department (PD)
- X Parks & Community Services Department (PCS)

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

For questions regarding any Planning condition of approval, please contact the Planning Division at (951) 413-3206.

P1. Conditional Use Permit PA13-0034 is approved for development of two options on the 1.0 acre of Parcel 2 of Tentative Parcel Map 36606. A change or modification shall require separate approval.

- Option A proposes a gas station with 8 fuel pumps and a 2,900 square foot convenience store with an automatic car wash.
- Option B proposes a 3,500 square foot fast food restaurant with drive-through and a 3,300 square retail store building.

P2. An Amended Conditional Use Permit application is required for future review and approval of the buildings proposed for Option A or Option B within Conditional Use Permit PA13-0034.

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT PA13-0034
PAGE 2 OF 62

- P3. The development of Conditional Use Permit PA13-0034 on Parcel 2 of Tentative Parcel Map No. 36606 is subject to the approval and the subsequent recordation of this map.
- P4. 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)
- P5. In the event that Conditional Use Permit PA13-0034, hereby permitted, ceases operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. (MC 9.02.260)
- P6. 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)
- P7. 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)
- P8. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P9. 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), proposed for this development shall be designed in conformance with the sign provisions of the Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
- P10. (GP) 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.

**CONDITIONS OF APPROVAL
 CONDITIONAL USE PERMIT PA13-0034
 PAGE 3 OF 62**

P11. The following requirements of Municipal Code Section 9.09.200 shall apply to development of Option A – Service Station:

1. Each parcel shall have a minimum street frontage of one hundred fifty (150) feet on each abutting street.
2. No building or structure shall be located within twenty (20) feet from any public right-of-way, or within five feet of any interior parcel line.
3. Service stations, convenience stores which provide fuel-pumping services and any other facilities which provide fuel-pumping services to the general public shall orient all fuel pump islands to be parallel to each other and shall be designed to minimize traffic conflicts. Nonparallel or “L” shaped fuel pump island configurations are not permitted.
4. If a reverse orientation for the building is selected, rear building elevations shall have architectural details consistent with the overall design theme.
5. In all cases, service bays shall be accessed from the interior of the site.
6. Gasoline pumps shall be at least twenty (20) feet from any property line.
7. Canopies shall be at least ten (10) feet from any property line and architecturally compatible with the main structure.
8. Service stations shall be integrated with adjacent commercial properties through the use of compatible materials, textures, colors, landscaping treatment and access.
9. Service stations shall be separated from adjacent residential property by a decorative masonry wall of not less than six feet in height. Materials, textures, colors and design of all walls shall be compatible with on-site development and adjacent properties. No wall required to be erected and maintained by the provisions of this section shall be constructed within five feet of a driveway entrance or vehicle access way opening onto a street or alley which would obstruct a cross view of pedestrians on the sidewalk, alley or elsewhere by motorists entering or exiting the parcel.
10.
 - a. The right-of-way, plus ten (10) feet of the site, is landscaped, as well as a planting strip at least five feet wide along all interior parcel lines, except driveways, and adjacent to buildings. Parcels abutting residential districts are subject to Section 9.04.040(B)(1) of this title. Planters are surrounded by masonry or concrete curbs, and so arranged as to preclude motor vehicles from driving across the sidewalk at locations other than access driveways.
 - b. A minimum of one hundred fifty (150) square feet of landscaped area is provided at the intersection of two property lines at the street corner.

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT PA13-0034
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11. Not more than one driveway with a maximum width of forty (40) feet shall be permitted on any one street frontage and shall comply with City Standard Plan 118C. Fifty (50) feet queue storage shall be provided. Driveways shall be located per Table 9.16.250A of the Municipal Code. Any deviation from the above standard requires the approval of the city traffic engineer.
12. All lubrication bays and wash racks shall be located within a fully enclosed building. Access to the service bays and wash racks shall not be located within fifty (50) feet of a residentially zoned property, and shall be oriented away from public rights-of-way.
13. Each service station shall provide air and water to customers without charge and at a convenient location during hours when gasoline is dispensed.
14. Each service station shall provide a men's and a women's public restroom which are accessible, from the interior of the business only, to the general public and physically disabled during all hours the service station is open to the public. Entrances or signage shall be clearly visible from the gasoline service area or cashier station, and shall be maintained on a regular basis.
15. Coin-operated vending machines may be permitted within a structure for the purpose of dispensing items commonly found in service stations, such as refreshments and maps.
16. Coin-operated vending machines are not permitted outdoors, unless approved by the community development director.
17. All repair and service activities and operations shall be conducted entirely within an enclosed service building, except as follows:
 - a. The dispensing of petroleum products, water and air; and
 - b. Replacement service activities such as wiper blades, fuses, radiator caps and lamps.
18. Trash areas shall be provided and screened on at least three sides from public view by a solid decorative wall not less than five feet in height.
 - a. All trash shall be deposited in the trash area and the gates leading thereto shall be maintained in working order and shall remain closed, except when in use.
 - b. Refuse bins shall be provided and placed in a location convenient for customers.
 - c. Trash areas shall not be used for storage. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment, or inoperable vehicles may be stored outside of the main building.

**CONDITIONS OF APPROVAL
 CONDITIONAL USE PERMIT PA13-0034
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19. The service station shall at all times be operated in a manner not detrimental to surrounding properties or residents. Site activities shall not produce or be reasonably anticipated to produce any of the following:
 - a. Damage or nuisance from noise, smoke, odor, dust or vibration;
 - b. Hazard from explosion, contamination or fire; or
 - c. Hazard occasioned by the unusual volume or character of traffic, or the congregating of a large number of people or vehicles.
20. Service stations/mini-markets selling alcoholic beverages shall conspicuously post the premises with signs prohibiting the consumption of alcoholic beverages on-site.
21. The above standards shall be considered minimum standards. The appropriate approval authority may alter standards when necessary to adequately protect adjacent uses in cases where extraordinary site conditions exist.

P12. The following requirements of Municipal Code Section 9.09.080 shall apply to development of Option B – Fast Food Restaurant:

1. Hours of Operation. When located on a site adjacent to, or separated by an alley from any residentially zoned property, a drive-in, drive-through, fast food or take-out restaurant shall not open prior to six a.m., nor remain open after ten p.m. Where a conditional use permit is required, hours of operation may be restricted for a drive-in, drive-through, fast food or take-out restaurant located adjacent to, or separated by an alley from any districts other than residential.
2. Driveways. Drive-in and drive-through restaurants sites shall have two points of ingress and/or egress.
3. Queuing. Drive-up and drive-through restaurants shall have a capacity for queuing a minimum of eight vehicles awaiting service. Queuing area shall not interfere with on- or off-site circulation patterns and shall be reviewed and approved by the city traffic engineer prior to issuance of a building permit.
4. Parking. A parking and vehicular circulation plan encompassing adjoining streets and alleys shall be submitted for review and approval by the city traffic engineer prior to approval of a conditional use permit.
5. Trash Receptacle. A minimum of one outdoor trash receptacle shall be provided on-site. At least one additional on-site outdoor trash receptacle shall be provided for every ten (10) required parking spaces.
6. Noise. Any drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property boundaries. The system shall be designed to compensate for ambient noise levels in the immediate area, and shall

**CONDITIONS OF APPROVAL
 CONDITIONAL USE PERMIT PA13-0034
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not be located within one hundred (100) feet of any residential district or any property used for residential uses. (Ord. 359, 1992)

- P13. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will 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 implemented as deemed appropriate by the Community & Economic 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, 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 contacted within a reasonable timeframe 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).

Prior to Issuance of Grading Permits

- P14. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P15. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be shown on the plan, be a minimum size of 24 inch box, and meet a ratio of three replacement trees for each mature tree removed or as approved by the Planning Official. (GP Objective 4.4, 4.5, DG)
- P16. (GP) 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 Division for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW- Special Districts.

**CONDITIONS OF APPROVAL
 CONDITIONAL USE PERMIT PA13-0034
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- P17. (GP) 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.
- P18. (GP) 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)
- P19. (GP) Prior to the issuance of grading permits, the grading plan shall show decorative concrete paving for all driveway ingress/egress locations of the project and across drive aisles throughout the development to connect required paths of travel with the public right-of-way.
- P20. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
- A. A 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; and
 - B. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.

Prior to Issuance of Building Permits

- P22. (BP) 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, DG)
- P23. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Planning Division review and approval. 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. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)

**CONDITIONS OF APPROVAL
 CONDITIONAL USE PERMIT PA13-0034
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- P24. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Planning Division for review and approval. 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 and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed one-quarter foot-candle minimum maintained lighting measured from within five feet of any property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)
- P25. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)
- P26. (BP) Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and shall include:
- A. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - B. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - C. Diamond planters shall be provided every 3 parking stalls.
 - D. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
 - E. Street trees shall be provided every 40 feet on center in the right of way.
 - F. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.
 - G. Enhanced landscaping shall be provided at all driveway entries and street corner locations
 - H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.
 - I. Landscaping on three sides of any trash enclosure.

**CONDITIONS OF APPROVAL
 CONDITIONAL USE PERMIT PA13-0034
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Prior to Certificate of Occupancy

- P23. (CO) Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed. (MC 9.04.040)
- P24. (CO) Prior to the issuance of Certificates of Occupancy or 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).
- P25. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be inspected by the Planning Division. All on-site and common area landscaping shall be installed in accordance with the City's Landscape Standards and the approved project landscape plans and all site clean-up shall be completed.
- P26. (BF) Prior to the issuance of building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.

MITIGATION MEASURES

Traffic and Circulation

- P27. **4.3.1** Prior to the issuance of occupancy permits, the Project Applicant shall install the following improvements at the intersection of Perris Boulevard/Santiago Drive (Study Area Intersection 36):
- Install a traffic signal.
 - Construct an eastbound left turn lane.
- P28. **4.3.2** Prior to the issuance of occupancy permits, the Project Applicant shall install the following improvement at the intersection of Kitching Street/ John F. Kennedy Drive (Study Area Intersection 44):
- Construct a northbound left turn lane.
- P29. **4.3.3** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-215 Southbound Ramps / Cactus Avenue (Study Area Intersection 1):
- Construct a 2nd westbound left-turn lane.
- P30. **4.3.4** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-215 Northbound Ramps / Cactus Avenue (Study Area Intersection 2):
- Construct a 2nd northbound left-turn lane.

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CONDITIONAL USE PERMIT PA13-0034
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- Construct a 3rd eastbound through WB left-turn lane.
 - Construct a 3rd westbound through lane.
- P31. **4.3.5** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Elsworth Street / Cactus Avenue (Study Area Intersection 3):
- Construct a 2nd northbound left-turn lane.
 - Remove the southbound (west leg) crosswalk.
- P32. **4.3.6** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Frederick Street / Cactus Avenue (Study Area Intersection 4):
- Construct a 3rd eastbound through lane.
- P33. **4.3.7** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Graham Street / Cactus Avenue (Study Area Intersection 5):
- Construct a 2nd southbound left turn lane.
 - Construct a 2nd eastbound left turn lane.
 - Construct a 3rd eastbound through lane.
- P34. **4.3.8** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Gentian Avenue (Study Area Intersection 15):
- Install a traffic signal. Although the intersection does not appear to warrant a traffic signal, no other geometric improvements are anticipated to result in acceptable peak hour operations. As such, it is recommended that the intersection be monitored and a traffic signal be installed at the City Traffic Engineer's discretion.
 - Construct a northbound left turn lane.
 - Construct a southbound left turn lane.
 - Restripe the eastbound right turn lane as a shared through-right turn lane.
 - Construct a westbound shared left-through-right turn lane.
- P35. **4.3.9** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Harley Knox Boulevard (Study Area Intersection 21):
- Construct a 2nd southbound left turn lane.
 - Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct a 2nd eastbound left turn lane.
 - Construct a 2nd eastbound through lane.

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P36. **4.3.10** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound Off-Ramp / Sunnymead Boulevard (Study Area Intersection 24):

- Restripe the southbound shared left-right turn lane as a 2nd left turn lane.
- Construct a southbound right turn lane.

P37. **4.3.11** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Sunnymead Boulevard (Study Area Intersection 26):

- Implement overlap phasing on the eastbound right turn lane.

P38. **4.3.12** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound On-Ramp / Sunnymead Boulevard (Study Area Intersection 27):

- Construct a roundabout¹
- Construct an eastbound right turn lane.

¹The City has recently been awarded a Highway Safety Grant for this intersection, which will be utilized to construct a roundabout.

P39. **4.3.13** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Cactus Avenue (Study Area Intersection 31):

- Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.

P40. **4.3.14** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Santiago Drive (Study Area Intersection 36):

- Install a traffic signal (same improvement as required under Existing Plus Project condition).

P41. **4.3.15** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / Iris Avenue (Study Area Intersection 37):

- Modify the existing traffic signal and implement overlap phasing on the northbound right turn lane.

P42. **4.3.16** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Krameria Avenue (Study Area Intersection 38):

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- Restripe the eastbound approach to provide a left turn lane and a shared through right turn lane.
- Modify the traffic signal to implement protected left turn phasing for the eastbound and westbound approaches.

P43. **4.3.17** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Harley Knox Boulevard (Study Area Intersection 41):

- Construct a 2nd northbound through lane.
- Construct a southbound left turn lane.
- Construct a 2nd southbound through lane.
- Modify the traffic signal and implement overlap phasing on the southbound right turn lane.
- Construct a 2nd eastbound left turn lane.
- Restripe the eastbound right turn lane as a shared through-right turn lane.
- Construct a westbound left turn lane.
- Construct a westbound shared through-right turn lane.

P44. **4.3.18** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Ramona Expressway (Study Area Intersection 42):

- Modify the traffic signal and implement overlap phasing on the southbound right turn lane.
- Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing.

P45. **4.3.19** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Kitching Street / Cactus Avenue (Study Area Intersection 43):

- Construct a 2nd southbound through lane.

P46. **4.3.20** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / John F. Kennedy Drive (Study Area Intersection 44):

- Construct a northbound left turn lane (same requirement as required under Existing Plus Project Condition).
- Construct a 2nd northbound through lane.
- Construct a southbound left turn lane.
- Construct a 2nd southbound through lane.
- Modify the traffic signal and implement protected left turn phasing for the

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northbound and southbound approaches.

- P47. **4.3.20.1** Prior to the issuance of building permits, the Project Applicant shall pay requisite DIF/TUMF toward the construction of the improved roadway segment configurations listed at Table 4.3-14.
- P48. **4.3.21** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-215 Southbound Ramps / Cactus Avenue (Study Area Intersection 1):
- Construct a southbound free-right turn lane.
 - Construct a 2nd westbound left turn lane (same improvement required under Opening Year Conditions).
- P49. **4.3.22** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-215 Northbound Ramps / Cactus Avenue (Study Area Intersection 2):
- Construct a 2nd northbound left turn lane (same improvement required under Opening Year Conditions).
 - Construct a 2nd northbound through lane.
 - Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing on the southbound right turn lane.
 - Re-stripe the existing eastbound shared through-right turn lane as the 3rd through lane.
 - Construct an eastbound right turn lane.
 - Construct a 3rd westbound through lane (same improvement required under Opening Year Conditions).
 - Construct a 4th westbound through lane (to trap as the westbound right turn lane onto the I-215 Northbound ramp).
 - Construct a westbound right turn lane.
- P50. **4.3.23** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Elsworth Street / Cactus Avenue (Intersection 3):
- Construct a 2nd northbound left turn lane (same improvement required under Opening Year Conditions).
 - Remove the southbound (west leg) crosswalk (same improvement required under Opening Year Conditions).
 - Construct a 3rd eastbound through lane. The 3rd eastbound through lane is consistent with the improvements identified in the City of Moreno Valley Capital Improvement Plan (CIP).
 - Construct a 4th eastbound through lane.

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- Construct a 4th westbound through lane.
 - Modify the traffic signal and implement protected left turn phasing for the northbound and southbound approaches.
- P51. **4.3.24** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Frederick Street / Cactus Avenue (Study Area Intersection 4):
- Construct a 3rd eastbound through lane (same improvement required under Opening Year Conditions).
 - Construct a 4th eastbound through lane.
- P52. **4.3.25** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Graham Street / Cactus Avenue (Study Area Intersection 5):
- Construct a 2nd southbound left turn lane (same improvement required under Opening Year Conditions).
 - Construct a 2nd eastbound left turn lane (same improvement required under Opening Year Conditions).
 - Construct a 3rd eastbound through lane (same improvement required under Opening Year Conditions).
 - Construct a 4th eastbound through lane.
- P53. **4.3.26** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Heacock Street / Alessandro Boulevard (Study Area Intersection 6):
- Construct a 2nd northbound left turn lane.
 - Construct a 2nd southbound left turn lane.
 - Construct a 4th eastbound through lane.
- P54. **4.3.27** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Heacock Street / Cactus Avenue (Study Area Intersection 7):
- Construct a 2nd southbound left turn lane.
 - Construct a 2nd eastbound left turn lane.
 - Construct a 3rd eastbound through lane.
 - Construct a 2nd eastbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct 3rd westbound through lane.
- P55. **4.3.28** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Heacock Street / Gentian Avenue (Study Area Intersection 9):
- Install a traffic signal.
 - Construct a 2nd northbound through lane.

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- Construct a 2nd southbound through lane.
- P56. **4.3.29** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Webster Avenue / Harley Knox Boulevard (Study Area Intersection 10):
- Install a traffic signal. Although the intersection does not appear to warrant a traffic signal, no other geometric improvements are anticipated to result in acceptable peak hour operations. As such, it is recommended that the intersection be monitored and a traffic signal be installed at the City Traffic Engineer's discretion.
 - Construct a 2nd eastbound through lane.
 - Construct a 2nd westbound through lane.
- P57. **4.3.30** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Alessandro Boulevard (Study Area Intersection 12):
- Construct a 2nd northbound left turn lane.
 - Construct a 2nd southbound left turn lane.
 - Construct a 4th eastbound through lane.
 - Construct a 2nd westbound left turn lane.
 - Construct a westbound right turn lane.
- P58. **4.3.31** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Indian Street / Cactus Avenue (Study Area Intersection 13):
- Construct a 3rd eastbound through lane.
- P59. **4.3.32** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / John F. Kennedy Drive (Study Area Intersection 14):
- Construct a northbound right turn lane.
 - Construct a 2nd southbound left turn lane.
- P60. **4.3.33** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Gentian Avenue (Study Area Intersection 15):
- Install a traffic signal (same improvement required under Opening Year Conditions).
 - Construct a northbound left turn lane (same improvement required under Opening Year Conditions).
 - Construct a southbound left turn lane (same improvement required under Opening Year Conditions).

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- Restripe the eastbound right turn lane as a shared through-right turn lane (same improvement required under Opening Year Conditions).
- Construct a westbound shared left-through-right turn lane (same improvement required under Opening Year Conditions).

P61. **4.3.34** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Iris Avenue (Study Area Intersection 17):

- Construct a 2nd northbound through lane.
- Construct a 2nd southbound through lane.
- Construct a 2nd eastbound through lane.
- Construct a 2nd westbound through lane.

P62. **4.3.35** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Krameria Avenue (Study Area Intersection 18):

- Install a traffic signal.
- Construct a northbound left turn lane.
- Construct a 2nd northbound through lane.
- Construct a 2nd southbound through lane.
- Construct an eastbound left turn lane.
- Construct an eastbound through lane.
- Construct an eastbound right turn lane with overlap phasing.
- Restripe the westbound right turn lane as a shared through-right turn lane.

P63. **4.3.36** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / San Michele Road (Study Area Intersection 19):

- Operation of installed traffic signal. Although the signal heads have been installed at this intersection, they are all currently flashing red for an all-way stop operation.
- Construct two northbound left turn lanes.
- Construct a 2nd northbound through lane.
- Construct a northbound right turn lane.
- Construct two southbound left turn lanes.
- Construct a southbound right turn lane.
- Construct an eastbound left turn lane.
- Construct a 2nd eastbound through lane.
- Construct two eastbound right turn lanes and modify the traffic signal to implement overlap phasing.
- Construct a westbound left turn lane.
- Construct a 2nd westbound through lane.
- Construct a westbound right turn lane.

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- P64. **4.3.37** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Nandina Avenue (Study Area Intersection 20):
- Operation of installed traffic signal. Although the signal heads have been installed at this intersection, they are all currently flashing red for an all-way stop operation.
 - Construct two northbound left turn lanes.
 - Modify the traffic signal and implement overlap phasing on the northbound right turn lane.
 - Construct a southbound left turn lane.
 - Construct a 3rd southbound through lane.
 - Construct a southbound right turn lane.
 - Construct a 2nd eastbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct two westbound left turn lanes.
- P65. **4.3.38** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Indian Street / Harley Knox Boulevard (Study Area Intersection 21):
- Construct a 3rd northbound through lane.
 - Construct a 2nd southbound left turn lane (same improvement required under Opening Year Conditions).
 - Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing (same improvement required under Opening Year Conditions).
 - Construct a 2nd eastbound left turn lane (same improvement required under Opening Year Conditions).
 - Construct a 2nd eastbound through lane (same improvement required under Opening Year Conditions).
 - Construct a 3rd eastbound through lane.
 - Construct a 3rd westbound through lane.
 - Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing.
- P66. **4.3.39** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound Off-Ramp / Sunnymead Boulevard (Study Area Intersection 24):
- Restripe the southbound shared left-right turn lane as a 2nd left turn lane (same improvement required under Opening Year Conditions).
 - Construct a southbound right turn lane (same improvement required under Opening Year Conditions).

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- P67. **4.3.40** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Perris Boulevard / SR-60 Westbound Ramps (Study Area Intersection 25):
- Construct a westbound left turn lane.
- P68. **4.3.41** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Sunnymead Boulevard (Study Area Intersection 26):
- Construct a 2nd northbound left turn lane.
 - Construct a northbound right turn lane.
 - Construct a 3rd southbound through lane.
 - Implement overlap phasing on the eastbound right turn lane (same improvement required under Opening Year Conditions).
 - Construct two westbound right turn lanes and modify the traffic signal to implement overlap phasing.
- P69. **4.3.42** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of SR-60 Eastbound On-Ramp / Sunnymead Boulevard (Study Area Intersection 27):
- Construct a roundabout (same improvement required under Opening Year Conditions).
 - Construct a northbound left turn lane.
 - Construct a 3rd eastbound through lane.
 - Construct a 3rd westbound through lane.
- P70. **4.3.43** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Eucalyptus Avenue (Study Area Intersection 28):
- Construct a 3rd northbound through lane.
 - Construct a 3rd southbound through lane.
- P71. **4.3.44** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Cottonwood Avenue (Study Area Intersection 29):
- Construct a 3rd northbound through lane.
 - Construct a 3rd southbound through lane.
- P72. **4.3.45** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the

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intersection of Perris Boulevard / Alessandro Boulevard (Study Area Intersection 30):

- Construct a 2nd northbound left turn lane.
- Construct a 3rd northbound through lane.
- Construct a 3rd southbound through lane.
- Construct a 2nd eastbound left turn lane.
- Construct a 3rd eastbound through lane.
- Construct a 2nd westbound left turn lane.
- Construct a westbound right turn lane.
- Modify the traffic signal and implement overlap phasing on the southbound and eastbound right turn lanes.

P73. **4.3.46** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Cactus Avenue (Study Area Intersection 31):

- Construct a 2nd northbound left turn lane.
- Construct a 3rd southbound through lane.
- Construct a 2nd eastbound left turn lane.
- Construct a 3rd eastbound through lane.
- Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing (same improvement required under Opening Year Conditions).
- Construct a westbound right turn lane.

P74. **4.3.47** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / John F. Kennedy Drive (Study Area Intersection 32):

- Construct a 2nd northbound left turn lane.
- Construct a northbound right turn lane.
- Construct a 2nd southbound left turn lane.
- Construct a 2nd westbound left turn lane.
- Construct a westbound right turn lane.

P75. **4.3.48** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Gentian Avenue (Study Area Intersection 33):

- Construct a northbound left turn lane.
- Construct an eastbound left turn lane.
- Construct an eastbound shared through-right turn lane.
- Construct a westbound left turn lane.

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- P76. **4.3.49** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Santiago Drive (Study Area Intersection 36):
- Install a traffic signal (same improvement required under Existing Plus Project and Opening Year Conditions).
 - Construct a northbound right turn lane.
- P77. **4.3.50** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Iris Avenue (Study Area Intersection 37):
- Construct a northbound left turn lane.
 - Modify the traffic signal to implement overlap phasing on the northbound right turn lane.
 - Construct a 2nd southbound left turn lane.
 - Construct a southbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct a 2nd eastbound left turn lane.
 - Construct a 3rd eastbound through lane.
 - Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.
 - Construct a 2nd westbound left turn lane.
 - Construct a 3rd westbound through lane.
 - Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing.
- P78. **4.3.51** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Krameria Avenue (Study Area Intersection 38):
- Construct a 2nd northbound left turn lane.
 - Construct a northbound right turn lane.
 - Construct a 2nd southbound left turn lane.
 - Construct a southbound right turn lane.
 - Construct an eastbound left turn lane.
 - Construct a 2nd eastbound through lane.
 - Construct a 2nd westbound left turn lane.
 - Construct a 2nd westbound through lane.
 - Modify the traffic signal to implement protected left turn phasing for the eastbound and westbound approaches (same improvement required under Opening Year Conditions).
- P79. **4.3.52** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / San Michele Road (Study Area Intersection 39):

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- Construct a southbound right turn lane.
 - Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.
- P80. **4.3.53** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Nandina Avenue (Study Area Intersection 40):
- Construct a 2nd eastbound left turn lane.
 - Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.
- P81. **4.3.54** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Harley Knox Boulevard (Study Area Intersection 41):
- Construct a 2nd northbound through lane.
 - Construct a 3rd northbound through lane.
 - Construct a southbound left turn lane.
 - Construct a 2nd southbound left turn lane.
 - Construct a 2nd southbound through lane.
 - Construct a 3rd southbound through lane.
 - Modify the traffic signal and implement overlap phasing on the southbound right turn lane.
 - Construct a 2nd eastbound left turn lane.
 - Construct two eastbound through lanes.
 - Construct a westbound left turn lane.
 - Construct a westbound shared through-right turn lane.
 - Construct a 2nd westbound through lane.
- P82. **4.3.55** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Perris Boulevard / Ramona Expressway (Study Area Intersection 42):
- Construct a 3rd northbound through lane.
 - Construct a 3rd southbound through lane.
 - Modify the traffic signal and implement overlap phasing on the southbound right turn lane.
 - Construct a westbound right turn lane and modify the traffic signal to implement overlap phasing.
- P83. **4.3.56** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / Cactus Avenue (Study Area Intersection 43):
- Construct a 2nd northbound left turn lane.

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- Construct a 2nd southbound through lane.
- Construct an eastbound right turn lane.
- Construct a westbound right turn lane.

P84. **4.3.57** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / John F. Kennedy Drive (Study Area Intersection 44):

- Construct two northbound left turn lanes.
- Construct a 2nd northbound through lane.
- Construct a southbound left turn lane.
- Construct a 2nd southbound through lane.
- Modify the traffic signal and implement protected left turn phasing for the northbound and southbound approaches.

P85. **4.3.58** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Kitching Street / Iris Avenue (Study Area Intersection 45):

- Construct a 2nd northbound left turn lane.
- Construct a northbound right turn lane and modify the traffic signal to implement overlap phasing.
- Construct a 2nd southbound left turn lane.
- Construct a southbound right turn lane.
- Construct a 2nd eastbound left turn lane.
- Construct a 3rd eastbound through lane.
- Construct an eastbound right turn lane.
- Construct a 2nd westbound left turn lane.
- Construct a 3rd westbound through lane.

P86. **4.3.59** Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Lasselle Street / Iris Avenue (Study Area Intersection 46):

- Construct an eastbound right turn lane and modify the traffic signal to implement overlap phasing.
- Construct a westbound right turn lane.
- Modify the traffic signal to accommodate overlap phasing on the westbound right-turn lane.

P87. **4.3.59.1** Prior to the issuance of building permits, the Project Applicant shall pay requisite DIF/TUMF toward the construction of the improved roadway segment configurations listed at Table 4.3-18.

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P88. **4.3.60** Prior to the issuance of building permits, the Project Applicant shall participate in the City's DIF/TUMF programs and in addition shall pay the Project's fair share for the improvements identified at Mitigation Measures 4.3.3 through 4.3.59.1 as presented in Appendix C, Traffic Impact Analysis, Table 9-1.

P89. **4.3.61** Certain of the improvements identified at Mitigation Measures 4.3.3 through 4.3.20 and 4.3.21 through 4.3.59 are proposed for intersections that are located within the City of Perris. Because the City of Moreno Valley does not have plenary control over intersections that are located within the City of Perris, the City of Moreno Valley cannot guarantee that such improvements will be constructed. Thus, the following additional mitigation is proposed: The Project Applicant shall contact the City of Perris and shall offer fair share fee payments; and if accepted, shall pay fair share fees for necessary non-Program traffic improvements (improvements not already included under DIF and/or TUMF Programs) located in the City of Perris. Non-Program improvements and calculated fair share fees shall be as identified at TIA Table 9-1. Offer of fair share fee payments as noted, whether accepted by the City of Perris or not, shall fulfill the Applicant's and the Lead Agency's mitigation responsibilities for Project traffic impacts affecting City of Perris intersections.

* *Measures 4.3.62 through 4.3.64 enforced through MM 4.3.61*

P90. **4.3.65** Construction trucks shall utilize the most direct route between the site and the I-215 Freeway (Cactus Avenue to Perris Boulevard). Routes other than those identified on the City's Designated Truck Route Map shall be submitted to the City Public Works Department for review and approval.

P91. **4.3.66** The Project Applicant shall prepare a Construction Area Traffic Management Plan (Plan) to be reviewed and approved by the City Public Works Department. The Plan shall identify traffic controls; any street closures and/or detours, or other disruption to traffic circulation, as well as construction vehicle access routes, hours of construction traffic to include transport of equipment to and from the site as well as any planned import or export of soil; any pavement repairs or enhancements along proposed construction traffic routes; and other information and/or restrictions determined necessary by the Lead Agency. The Plan and its requirements shall be provided to all contractors as one component of building plan/contract document packages.

Air Quality

P92. **4.4.1** The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403 and limit fugitive dust emissions:

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- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour;
- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day; and
- The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.

P93. **4.4.2** Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling. This requirement is based on the California Air Resources Board regulation in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations, which imposes a requirement that heavy duty trucks accessing the site shall not idle for greater than five minutes at any location. This measure applies to construction traffic.

P94. **4.4.3** All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. Additionally, during grading activity, total horsepower hours per day for all equipment shall not exceed 16,784 horsepower-hours per day and the maximum disturbance (actively graded) area shall not exceed five acres per day.

P95. **4.4.4** Prior to the issuance of building permits, the Project Applicant shall submit energy usage calculations showing that the Project is designed to achieve a minimum 10% efficiency beyond then incumbent California Building Code Title 24 requirements. Verification of increased energy efficiencies shall be shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of building permits. Examples of measures that reduce energy consumption include, but are not limited to, the following (it being understood that the items listed below are not all required and merely present examples; the list is not all-inclusive and other features that achieve the required energy efficiency performance standard also are acceptable):

- Increase in insulation such that heat transfer and thermal bridging is minimized;
- Limit air leakage through the structure and/or within the heating and cooling distribution system;
- Use of energy-efficient space heating and cooling equipment;
- Installation of electrical hook-ups at loading dock areas;
- Installation of dual-paned or other energy efficient windows;

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- Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards;
- Installation of automatic devices to turn off lights where they are not needed;
- Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings;
- Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors;
- Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products.

P96. **4.4.5** Enhanced Water Conservation Required: Prior to the issuance of building permits, the Project Applicant shall prepare a Water Conservation Strategy demonstrating a minimum 30% reduction in outdoor water usage when compared to baseline water demand (total expected water demand without implementation of the Water Conservation Strategy).² Verification of decreased outdoor water usage shall be documented in CalGreen Code Compliance Worksheets provided by the Applicant, and reviewed and approved by the City prior to the issuance of building permits. Correlating documentation shall be incorporated in the Project landscape plans.

The Project shall also implement the following:

- Landscaping palette emphasizing drought tolerant plants;
- Use of water-efficient irrigation techniques;
- U.S. Environmental Protection Agency (EPA) Certified WaterSense labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.

² AA reduction of 20% indoor water use shall be achieved pursuant to CalGreen Code performance standards for residential and non-residential land uses. Per CalGreen, the reduction shall be based on the maximum allowable water use per plumbing fixture and fittings as quantified in the California Building Standards Code.

Noise

P97. **4.6.1** Install temporary noise control barriers that provide a minimum noise level attenuation of 17 dBA when Project construction activities occur within 200 feet of existing residential structures or other off-site sensitive receptor land uses that are occupied or actively utilized. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the noise source. Unnecessary openings shall not be made.

- The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.

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- The noise control barriers and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity.
- P98. **4.6.2** For other than grading activities, noise-generating Project construction activities shall not occur between the hours of 8 p.m. to 8 a.m. Grading operations shall be limited to between the hours of 8a.m. and 6 p.m. weekdays, and 8 a.m. to 4 p.m. on weekends and holidays, or as otherwise approved by the City Engineer.
- P99. **4.6.3** During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site noise sensitive receptors nearest the Project site.
- P100. **4.6.4** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site noise sensitive receptors nearest the Project site during all Project construction activities.
- P101. **4.6.5** The construction contractor shall prohibit haul truck deliveries to the Project site, including transportation of heavy construction equipment, consistent with timeframe limitations specified for general construction equipment operations, other than grading, (i.e., deliveries are prohibited between the hours of 8 p.m. to 8 a.m.) The Project Applicant shall prepare a haul route exhibit for review and approval by the City Planning Division prior to commencement of construction activities. The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.
- P102. **4.6.6** The construction contractor shall post a publicly visible sign with Contractor and City telephone numbers and persons to contact regarding noise complaints. The construction manager, within 72 hours of receipt of a noise complaint, shall either take corrective actions or, if immediate action is not feasible, provide a plan of corrective action to address the source of the noise complaint. Plan(s) for corrective action shall be submitted to City for approval, and shall be implemented within 24 hours of City approval. Pending City approval, offending construction activities shall cease, or the source of objectionable noise shall otherwise be terminated.

Hydrology and Water Quality

- P103. **4.7.1** Prior to the issuance of grading permits, the Project Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Moreno Valley, Riverside County Flood Control and Water Conservation District, and Santa Ana

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Regional Water Quality Control Board for review and approval. The SWPPP shall identify Best Management Practices (BMPs) intended to prevent the release of sediment and pollutants into downstream waterways. Examples of construction BMPs to be incorporated in the Project include, but are not limited to, the following:

- Silt Fences;
- Check Dams;
- Gravel Bag Berms;
- Street Sweeping and Vacuuming;
- Sand Bag Barriers;
- Storm Drain Inlet Protection;
- Wind Erosion Control;
- Stabilized Construction Entrance/Exit; and
- Entrance/Outlet Tire Wash.

Post-construction BMPs to reduce sediments and other pollutants include, but are not limited to, the following:

- Providing permanent cover to stabilize the disturbed surfaces after construction has been completed;
- Incorporating structural BMPs (e.g., grease traps, debris, screens, continuous deflection separators, oil/water separators, drain inlet inserts) into the Project's design to provide detention and filtering of contaminants in urban runoff prior to discharge to stormwater facilities;
- Precluding non-stormwater discharges to the stormwater system; and
- Performing monitoring of discharges to the stormwater system.

P104. **4.7.2** Prior to the issuance of grading permits, the Project Applicant shall submit a final Water Quality Management Plan (WQMP) to the City of Moreno Valley, Riverside County Flood Control and Water Conservation District, and Santa Ana Regional Water Quality Control Board for review and approval. The WQMP shall identify Best Management Practices (BMPs) addressing all post-construction pollutant discharges. Examples of BMPs included in the Project's Preliminary WQMP include the following:

Source Control/Non-Structural BMPs

- Education of property owners, operators, tenants, occupants, or employees;
- Street Sweeping of Private Streets and Parking Lots;
- Drainage facility inspection and maintenance;
- Roof Runoff Controls;
- Efficient Irrigation;
- Protection of Slopes and Channels;
- Storm Drain stenciling and signage;
- Trash Storage Areas and Litter Control;

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- Irrigation system and landscape maintenance; and
- Loading dock drainage controls.

Site Design/Structural BMPs

- Maximize permeable areas;
- Minimize street, sidewalk, and parking lot aisle widths;
- Maintain natural drainage patterns;
- Incorporate drought-tolerant landscaping;
- On-site ponding areas or retention facilities to increase opportunities for infiltration;
- Convey roof runoff to landscaping/permeable areas prior to discharge to storm drains;
- Drain sidewalks and walkways to adjacent landscaped areas; and
- Integration of landscaping and drainage designs.

Geology and Soils

P105. **4.8.1** Design and development of the Project shall comply with recommendations and performance standards identified within the Final Geotechnical Investigation. Where the Project Geotechnical Investigation is silent, requirements of the California Building Code as adopted and implemented by the City shall prevail.

Biological Resources

P106. **4.9.1** Within 30 days prior to disturbance at the Project site, a pre-construction survey shall be conducted for burrowing owl (*Athene cunicularia*), and if owls are present, they can be relocated following accepted protocols to comply with the MSHCP. The findings of the survey shall be submitted to the California Department of Fish and Wildlife.

P107. **4.9.2** To avoid impacts to nesting birds and to comply with the federal Migratory Bird Treaty Act of 1918 (MBTA):

- If possible, all vegetation removal activities shall be scheduled from August 1 to February 15, which is outside the nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly.
- If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist 72 hours prior to clearing. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the qualified biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist shall be present on the site to monitor the

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vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

Cultural Resources

- P108. **4.10.1** If any prehistoric/historic archaeological resources are encountered during the initial grading and over-excavation phases of construction, the developer will retain a qualified archaeologist to monitor construction activities, and to take appropriate measures to avoid, protect or preserve these resources for study.
- P109. **4.10.2** If significant Native American cultural resources are discovered for which a Treatment Plan must be prepared, the developer or archaeologist shall contact all appropriate Native American tribal representatives, as identified by the Native American Heritage Commission. If requested by the Tribe(s), the City, the developer, or the Project archaeologist, the City shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, return of artifacts to tribe, etc.). A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the Applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.
- P110. **4.10.3** Any excavation exceeding five feet below the current grade shall be monitored by a qualified paleontologist. If older alluvial deposits are encountered at shallower depths, monitoring shall be initiated once these deposits are encountered. A qualified paleontologist is defined as an individual with an M.S. or a Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques. A paleontological monitor may be retained to perform the on-site monitoring in place of the qualified paleontologist. The paleontological monitoring program should follow the local protocols of the Western Center (Hemet) and/or the San Bernardino County Museum and a paleontological monitoring plan should be developed prior to the ground altering activities. The extent and duration of the monitoring can be determined once the grading plan is understood and approved. The paleontological monitor shall have the authority to halt any Project-related activities that may be adversely impacting potentially significant resources. If paleontological resources are uncovered or otherwise identified, they shall be recovered, analyzed in accordance with standard guidelines, and curated with the appropriate facility (e.g. the Western Center at the Diamond Valley Reservoir, Hemet).

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Hazards and Hazardous Materials

P111. **HA-1** Any soils to be disposed of off-site shall be sampled prior to their transport from the Project site. Soils transported off-site for disposal shall be sampled for contamination of herbicides, pesticides, and fertilizers consistent with a soil management plan to be prepared for this Project. Sample results may provide an indication as to the presence of chemicals of concern which require special handling during disposal. Any additional impacted soil identified during site work, shall be removed and additional confirmatory sampling shall be conducted until non-actionable levels of pesticides are found.

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Building and Safety Division

- B1. New buildings shall comply with the current California Building Standards Code (CBC, CEC, CMC, CPC and Green Building Standards) as well as City ordinances. Plans shall be submitted to the Building and Safety Division as a separate submittal and shall include a soils report at time of first submittal. The current edition is the 2013 CBC and is for all new building permit applications.
- B2. Prior to final inspection, all plans shall be placed on a CD Rom for reference and verification. Plans will include “as built” plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building and Safety Division. In addition, a site plan showing the path of travel from public right of way with elevations will be required.
- B3. Obtain any required approvals from SCAQMD for any proposed demolitions, if necessary, prior to building permit application submittals.
- B4. Prior to the issuance of a building permit, the applicant shall submit a properly completed “Waste Management Plan” (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.
- B5. Prior to the issuance of a building permit, show on the plans that all exterior doors comply with the requirements of CBC Chapter 11 for accessible path of travel from every exit door, especially in consideration of doors that may be designated as exits due to interior obstructions to path of travel due to racks, equipment and other interior obstruction to the exit path of travel.
- B6. Prior to the issuance of a building permit, show on the plans that no gutter, drainage feature, swale or other deviation in the flat level surface at the accessible parking spaces exists within and for a minimum four foot extension beyond the outer dimensions of the parking space, loading zone and path of travel.
- B7. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- B8. Plumbing plans shall be prepared, including isometrics, for required plumbing fixtures based on California Plumbing Code, Chapter 4.

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- B9. The proposed new development may be subject to the payment of development fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.

SCHOOL DISTRICT

- S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

- PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

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ECONOMIC DEVELOPMENT DEPARTMENT

EDD1. New Moreno Valley businesses are encouraged to hire local residents.

EDD2. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Employment Resource Center (“ERC”).

The ERC offers no cost assistance to businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

EDD3. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.

EDD4. 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.

EDD5. 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 the public recruitment.

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FIRE PREVENTION BUREAU

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. 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. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. 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)
- F2. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan that specifies the fire lanes and signage. (CFC 501.3)
- F3. 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 MV City Standard Engineering Plan 422 a, b, c)
- F4. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (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. (CFC 501.4 and MV City Standard Engineering Plan 108d)
- F5. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than thirty (30) feet as approved by the Fire Prevention Bureau 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])
- F6. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])

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- F7. 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)
- F8. 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)
- F9. 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 12 inches in height. (CFC 505.1)
- F10. 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 provided with Knox access equipment. (CFC 506.1)
- F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F12. 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])
- F13. 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)
- F14. 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

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- c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

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.

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)

- F15. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.
- F16. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 33 & CBC Chapter 33)
- F17. 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)
- F18. 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)
- F19. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install

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equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with CFC 105.

F20. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

- a) Storage and use areas;
- b) Maximum amount of each material stored or used in each area;
- c) Range of container sizes;
- d) Locations of emergency isolation and mitigation valves and devices;
- e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
- f) On and off positions of valves for valves which are of the self-indicating type;
- g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
- h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F21. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

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PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

- LD1. (G) 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)
- LD2. (G) 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 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. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) 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. The City Engineer may require the construction of necessary utilities, streets 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.
- LD3. (G) 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. In the event that the developer is unsuccessful, he 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)
- LD4. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate 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 Public Improvement Agreement or issuance of a permit.

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- LD5. (G) The developer shall monitor, supervise and control all construction and construction supportive 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 Public Works Department.
 - (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 shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the 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.

- LD6. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. 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)
- LD7. (G) 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.
- LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.
- LD9. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on

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twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

Prior to Grading Plan Approval or Grading Permit

- LD10. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD11. (GPA) Prior to approval of grading plans, 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. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
 - d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
 - e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.
- LD12. (GPA) Prior to approval of the grading plans 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). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.
- LD13. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :
- 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;

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- b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
- c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
- d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
- e. 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 of the Public Works Department.

- LD14. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in PDF format prior to grading plan approval.
- LD15. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
- LD16. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's 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.
- LD17. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD18. (GPA) Prior to grading plan, resolution of all drainage issues shall be as approved by the City Engineer.
- LD19. (GP) Prior to issuance of a grading permit, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.
- LD20. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

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- LD21. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project. (MC 8.21.070)
- LD22. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the implementation and maintenance of erosion control measures required as a condition of approval of the project. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the City. (MC 8.21.160)
- LD23. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

- LD24. (MA) Prior to approval of the map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, drainage easements, reciprocal access, private and/or public utility easements as may be relevant to the project. Alternatively, easements and/or agreements by separate instrument may be submitted.
- LD25. (MA) Prior to approval of the map, all street dedications shall be 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. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD26. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.
- LD27. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)
- LD28. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

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Prior to Improvement Plan Approval or Construction Permit

- LD29. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD30. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)
- LD31. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.
- LD32. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.
- LD33. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:
- a. Corner cutbacks in conformance with City Standard MVSI-165-0 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
 - b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)
 - c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)
 - d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees per City Standard No. MVSI-160A-0, or as approved by the City Engineer. (MC 9.14.020)
 - e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.
- LD34. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.
- LD35. (IPA) Prior to approval of the improvement plans, 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 years old and recently slurry

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- sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.
- LD36. (IPA) Prior to approval of the improvement plans, 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, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.
- LD37. (IPA) Prior to approval of the improvement plans, drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)
- LD38. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)
- LD39. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will 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 Public Works Department – Land Development Division. (MC 9.14.110)
- LD40. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)
- LD41. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

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LD42. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in digital (PDF) format to the Land Development Division of the Public Works Department.

LD43. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD44. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD45. (BP) Prior to the first building permit and prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD46. (BP) Prior to the first building permit and prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement by the timing as specified above, no credits will be given for any work. Prior to approval of the TUMF Improvement Credit Agreement, an approved engineer's cost estimate and street improvement plan are required.

Prior to Certificate of Occupancy

LD47. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD48. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD49. (CO) Prior to issuance of a certificate of occupancy, this project is subject to requirements 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. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of certificate of occupancy issuance. Following are the requirements:

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- a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
 - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
 - ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
 - b. Notify the Special Districts Division of the intent to request building permits 90 days prior to their issuance and the financial option selected. The financial option selected shall be in place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)
- LD50. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Under grounding of existing and proposed utility lines less than 115,000 volts.
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
- LD51. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)
- LD52. (CO) Prior to issuance of a certificate of occupancy or building final, punch list work for improvements and capping of streets in that phase must be completed and approved for acceptance by the City.
- LD53. (CO) Prior to issuance of a certificate of occupancy, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved

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final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the “Stormwater Treatment Device and Control Measure Access and Maintenance Covenant,” can be obtained by contacting the Land Development Division of the Public Works Department.

- LD54. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State’s General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
- LD55. (CO) Prior to issuance of a certificate of occupancy or building final, 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 to the City for review and approval.

Prior to Acceptance of Streets into the City Maintained Road System

- LD56. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the one-year warranty period of the public streets at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. 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.
- LD57. Prior to parcel map approval, the map shall show the following:
- a. The appropriate right-of-way dedication along Perris Boulevard frontage shown as Lot B on the tentative parcel map. This includes right-of-way required for a bus turn-out as conditioned by the Transportation Engineering Division.
 - b. The appropriate right-of-way dedication on Santiago Drive frontage shown as Lot C on the tentative parcel map.
 - c. The appropriate right-of-way dedication on Gentian Street frontage shown as Lot D on the tentative parcel map.
 - d. A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach, per City Standard MVSI-112C-0, on Perris Boulevard, Santiago Drive and Gentian Street.

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LD58. Prior to parcel map approval, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements along the project frontage shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

- a. Perris Boulevard, Divided Arterial, City Standard (modified) MVSI-103C-0 (110-foot RW / 86-foot CC) shall be constructed to complete the half-width along the entire project's east frontage. Remaining improvements shall consist of, but not be limited to, a raised median, curb-separated sidewalk, driveway approaches, drainage structures, streetlights, pedestrian access ramps, undergrounding of overhead utility lines less than 115,000 volts, and dry and wet utilities. In addition, the applicant will be required to install, replace and/or repair any missing, damaged or substandard improvements that do not meet current City standards. 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.
- b. Santiago Drive, Collector (modified), City Standard MVSI-106B-0 (66-foot RW / 44-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, along the entire project's south frontage. Additional right-of-way dedications at driveway approaches along the project's south property line shall be shown on the parcel map. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, streetlights, pedestrian access ramps, undergrounding of overhead utility lines less than 115,000 volts, bicycle/pedestrian path and dry and wet utilities.
- c. Gentian Street, Minor Arterial (modified), City Standard MVSI-105A-0 (88-foot RW / 64-foot CC) shall be constructed to half-width plus an additional 18 feet north of the centerline, along the entire project's north frontage. Additional right-of-way dedications at driveway approaches along the project's north property line, shall be shown on the parcel map. Improvements shall consist of, but not be limited to, a raised median, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, streetlights, pedestrian access ramps, dry and wet utilities.
- d. Sunnymead Master Drainage Plan Line M-2 within the public right-of-way in Santiago Drive, Perris Boulevard and Iris Avenue. This includes, but not limited to, construction of a 39-inch minimum storm drain, laterals, catch basins/inlets, and local depressions as needed.

LD59. Prior to rough grading plan approval, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed

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condition be larger than that of the pre-developed condition, unless the study demonstrates that the existing or proposed drainage facilities can accommodate the increased run-off. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures may be required beyond those shown on the tentative map and preliminary drainage study.

- LD60. Prior to rough grading plan approval, the Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-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: stormwater BMPs; LID principles; Source control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.
- a. The Applicant has proposed to incorporate the use of infiltration basin and dry wells. 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. 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.
 - c. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.
 - d. The proposed dry wells may be subject to current or future regulation and permitting by the U.S. Environmental Protection Agency (EPA), the State of California State Water Resource Control Board, or the California Regional Water Quality Control Board. The Applicant is responsible for compliance with all applicable regulations and permit requirements. At a minimum, the Applicant shall include in the F-WQMP a copy of the EPA document, "Inventory of Injection Wells" (EPA Form 7520-16), along with proof of filing of said inventory document with the EPA.
 - e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in 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.
- LD61. Prior to precise grading plan approval, emergency overflow area(s) 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, an emergency spillway in the proposed detention basin(s).

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- LD62. Prior to issuance of a building permit, the precise grading plans shall be approved.
- LD63. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan MVFG-660 Series.
- LD64. Prior to precise grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.
- LD65. Prior to street improvement plan approval, 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.
- LD66. Prior to occupancy, all overhead utility lines less than 115,000 volts fronting or within the entire project site boundary shall be placed underground per Section 9.14.130C of the City Municipal Code.
- LD67. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:
- a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
 - b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
 - c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
 - d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.
- LD68. Prior to occupancy, as-built street improvement plans, storm drain plans and precise grading plans shall be submitted for review and approved.

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PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

Acknowledgement of Conditions

The following items are the Special Districts Division's Conditions of Approval for project PA13-0034; this project shall be completed at no cost to any Government Agency. All questions regarding the following Conditions including but not limited to intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Financial & Management Services Department 951.413.3480 or by emailing specialdistricts@moval.org.

General Conditions

- SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks & Community Services) and Zone C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.
- SD2. Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into a City coordinated landscape maintenance program, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. The guidelines are available on the City's website at www.moval.org/sd or from the Special Districts Division (951.413.3480 or specialdistricts@moval.org).
- SD3. The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/or median landscape maintenance for a period of one (1) year commencing from the time all items of work have been completed to the satisfaction of the Director for the Special Districts Division or their appointed staff as per the *City of Moreno Valley Public Works Department Landscape Design Guidelines*, or until such time as the District accepts maintenance responsibilities.
- SD4. Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be repaired/replaced by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.
- SD5. The ongoing maintenance of any landscaping required to be installed behind the curb on Gentian Avenue, Perris Boulevard and Santiago Drive shall be the responsibility of the property owner.

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- SD6. Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
- SD7. Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)
- SD8. Street Light Authorization forms for all street lights that are conditioned to be installed as part of this project must be submitted to the Special Districts Division for approval, prior to street light installation. The Street Light Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison. For questions, contact the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.

Prior to Building Permit Issuance

- SD9. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for Public Safety services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the property owner shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org when submitting the application for building permit issuance to determine the requirement for participation. This condition will not apply if the first building permit for the project is obtained prior to formation of the district. If the condition applies, conducting a special election may take up to 90 days to complete the process in compliance with the provisions of Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)
- SD10. (BP) This project is conditioned to provide a funding source for the capital improvements, energy charges, and maintenance for residential street lighting. The Developer shall satisfy the condition with one of the options below.
- a. Participate in a special election (mail ballot proceeding) for street lighting and pay all associated costs of the ballot process and formation, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or

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- b. Establish an endowment fund to cover future operation and maintenance costs for the street lights.
- c. Projects with privately maintained streets, establish a property Owner Association (POA) or Home Owner's Association (HOA) which will be responsible for any and all operation and maintenance costs associated with the street lights installed on private roadways. This does not apply to publicly accepted roadways.

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

The financial option selected shall be in place prior to the issuance of the first building permit.

SD11. (BP) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Gentian Avenue and Perris Boulevard median landscape. The Developer shall satisfy the condition with one of the options outlined below.

- a. Participate in a special election (mail ballot proceeding) for improved median maintenance and pay all associated costs of the ballot process and formation, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the city; or
- b. Fund an endowment to cover the future maintenance costs of the landscaped area.

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

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

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SD12. (BP) This project is conditioned for a proposed district to provide a funding source for the operation and maintenance of public improvements and/or services associated with new development in that territory. The Developer shall satisfy this condition with one of the options outlined below.

- a. Participate in a special election for maintenance/services and pay all associated costs of the election process and formation, if any. Financing may be structured through a Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
- b. Establish an endowment fund to cover the future maintenance and/or service costs.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org when submitting the application for building permit issuance. If the first building permit is pulled prior to formation of the district, this condition will not apply. If the district has been or is in the process of being formed the Developer must inform the Special Districts Division of its selected financing option (a. or b. above). The option for participating in a special election requires 90 days to complete the special election process to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution.

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

SD13. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide for, but not limited to, stormwater utilities services for the monitoring of on-site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, a funding source needs to be established. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option for the National Pollution Discharge Elimination System (NPDES) program when submitting the application for the first building permit issuance (see Land Development's related condition). If participating in a special election the process requires a 90 day period prior to the City's issuance of a building permit to allow adequate time to be in compliance with the provisions of Article 13D of the California Constitution. (California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT PA13-0034
PAGE 55 OF 62**

- SD14. (BP) Prior to the issuance of the first building permit for this project, the Developer shall pay Advanced Energy fees for all applicable Residential and Arterial Street Lights required for this development. Payment shall be made to the City of Moreno Valley and collected by the Land Development Division. Fees are based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges, and Rates adopted by City Council. The Developer shall provide a copy of the receipt to the Special Districts Division (*specialdistricts@moval.org*). Any change in the project which may increase the number of street lights to be installed will require payment of additional Advanced Energy fees at the then current fee. Questions may be directed to the Special Districts Division at 951.413.3480 or *specialdistricts@moval.org*.
- SD15. (BP) For those areas to be maintained by the City and prior to the issuance of the first Building Permit, Planning Division (Community and Economic Development Department), Special Districts Division (the Financial & Management Services Department) and Transportation Division (the Public Works Department) shall review and approve the final median, parkway, slope, and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

- SD16. (CO) All parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the occupancy of the First Building for this project.
- SD17. (CO) Landscape and irrigation plans for parkway, median, slope, and/or open space landscape areas designated to be maintained by the City shall be placed on compact disk (CD) in pdf format. The CD shall include "As Built" plans, revisions, and changes. The CD will become the property of the City of Moreno Valley and the Moreno Valley Community Services District.

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT PA13-0034
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PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

General Conditions

- TE1. Perris Boulevard is classified as a Six-Lane Divided Arterial (110' RW/86' CC) per City Standard Plan No. MVSI-103C-0. A raised median will be required as part of this project. Any improvements to the roadway shall be per City standards. Citywide Communication Conduits shall be installed along project frontage per City Standard Plan No. MVSI-186-0.
- TE2. Gentian Avenue is classified as a modified Minor Arterial (88' RW/64' CC) per City Standard Plan No. MVSI-105A-0, modified as necessary for a raised median. Any improvements to the roadway shall be per City standards, modified as necessary. Citywide Communication Conduits shall be installed along project frontage per City Standard Plan No. MVSI-186-0.
- TE3. Santiago Drive is classified as a Collector Street (66' RW/44' CC) per City Standard Plan No. MVSI-106B-0. Any improvements to the roadway shall be per City standards.
- TE4. Driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code – Design Guidelines and City of Moreno Valley Standard No. MVSI-112C-0 for commercial driveway approach. Perris Boulevard access at the proposed driveways shall be right-in/right-out due to the raised median.
- TE5. Conditions of approval may be modified or added if a modified plan is submitted for this development.

Prior to Improvement Plan Approval or Construction Permit

- TE6. Prior to the final approval of the street improvement plans, traffic signal modification plans will be required for the traffic signal located at Perris Boulevard and Gentian Avenue. Modifications may include but not limited to new signal poles, new pull boxes, new traffic detector loops, etc.
- TE7. Prior to the final approval of the street improvement plans, traffic signal plans shall be prepared for the intersection of Perris Boulevard and Santiago Drive.
- TE8. Prior to the final approval of the street improvement plans, a bus bay shall be designed for southbound Perris Boulevard, just south of Gentian Avenue per City Standard Plan No. MVSI-161-0.

**CONDITIONS OF APPROVAL
 CONDITIONAL USE PERMIT PA13-0034
 PAGE 57 OF 62**

- TE9. Prior to the final approval of the street improvement plans, the intersection of Kitching Street at John F. Kennedy Drive shall be designed for a northbound left turn lane. Traffic signal modification plans may be required as part of the street improvement.
- TE10. 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.
- TE11. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.
- TE12. Prior to final approval of the street improvement plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0.

Prior to Building Permit

- TE13. (BP) Prior to the issuance of Building Permit, the project applicant shall make a fair-share payment to the City of Moreno Valley for improvements identified in the project Traffic Study.

Prior to Certificate of Occupancy or Building Final

- TE14. (CO) Prior to issuance of Certificate of Occupancy, improvements identified in TE6, TE7, TE8, and TE9 shall be completed per the approved plans to the satisfaction of the City Engineer.
- TE15. (CO) Prior to issuance of Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

Prior to Acceptance of Streets into the City-maintained Road System

- TE16. 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.

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT PA13-0034
PAGE 58 OF 62**

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT – ELECTRIC UTILITY

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA13-0034; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3500. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Energizing MVU Electric Utility System and Certificate of Occupancy

- MVU1. (R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
- MVU2. (BP) City of Moreno Valley Municipal Utility Service – Electrical Distribution: Prior to constructing the MVU Electric Utility System, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision 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, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, and "bring-up" facilities

**CONDITIONS OF APPROVAL
 CONDITIONAL USE PERMIT PA13-0034
 PAGE 59 OF 62**

including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as “utility system” (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all “utility services” to each lot and unit within the Tentative Map. 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.

- MVU.3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. Payment shall be required prior to issuance of building permits.
- MVU4. For all new projects, existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer 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.

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT PA13-0034
PAGE 60 OF 62**

POLICE DEPARTMENT

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)
- PD2. (GP) 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. (MC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community Development Department - Building Division for routing to the Police Department. (MC 9.08.080)
- PD4. Address numbers should be placed at multiple locations on the building and shall be illuminated and clearly visible from the street.
- PD5. Rooftop addressing shall also be required of all buildings.
- PD6. All exterior doors in the rear and the front of the buildings need an address or suite number on them.
- PD7. All rear exterior doors should have an overhead low sodium light or a light comparable to the same.
- PD8. All lighting affixed to the exterior of buildings less than 8 feet high shall be vandal resistant.
- PD9. All exterior doors shall have a vandal resistant light fixture installed above the door. The doors shall be illuminated with a minimum one foot candle illumination at ground level, evenly dispersed.

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT PA13-0034
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- PD10. The doors shall be illuminated with a minimum one foot candle illumination at ground level, evenly dispersed.
- PD11. The exterior of the building should have high-pressure sodium lights and or Metal halide lights installed and strategically placed throughout the exterior of the building.
- PD12. The parking lot should have adequate lighting to insure a safe environment for customers and or employees. The parking lot and buildings should be well lit to minimize the shadows cast by landscaping and trees on the property.
- PD13. All landscape cover should not exceed over 3' from the ground in the parking lot.
- PD14. Bushes that are near the exterior of the building should not exceed 4' and should not be planted directly in front of the buildings or walkways.
- PD15. Trees, which exceed 20', should have a 7' visibility from the ground to the bottom half of the tree. This is so that patrons or employees can view the whole parking lot while parking their vehicles in the parking lot.
- PD16. Ensure any trees surrounding building rooftops be kept at a distance to prevent roof accessibility by potential burglars. Since trees also act as a natural ladder, the branches must be pruned to have at least six foot clearance from the buildings.
- PD17. Cash registers shall be placed near the front entrance of the store.
- PD18. Window coverings shall comply with the city ordinance.
- PD19. No loitering signs shall be posted in plain view throughout the building.
- PD20. Sufficient lighting is to be provided over all mailbox areas.

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT PA13-0034
PAGE 62 OF 62**

PARKS AND COMMUNITY SERVICES DEPARTMENT

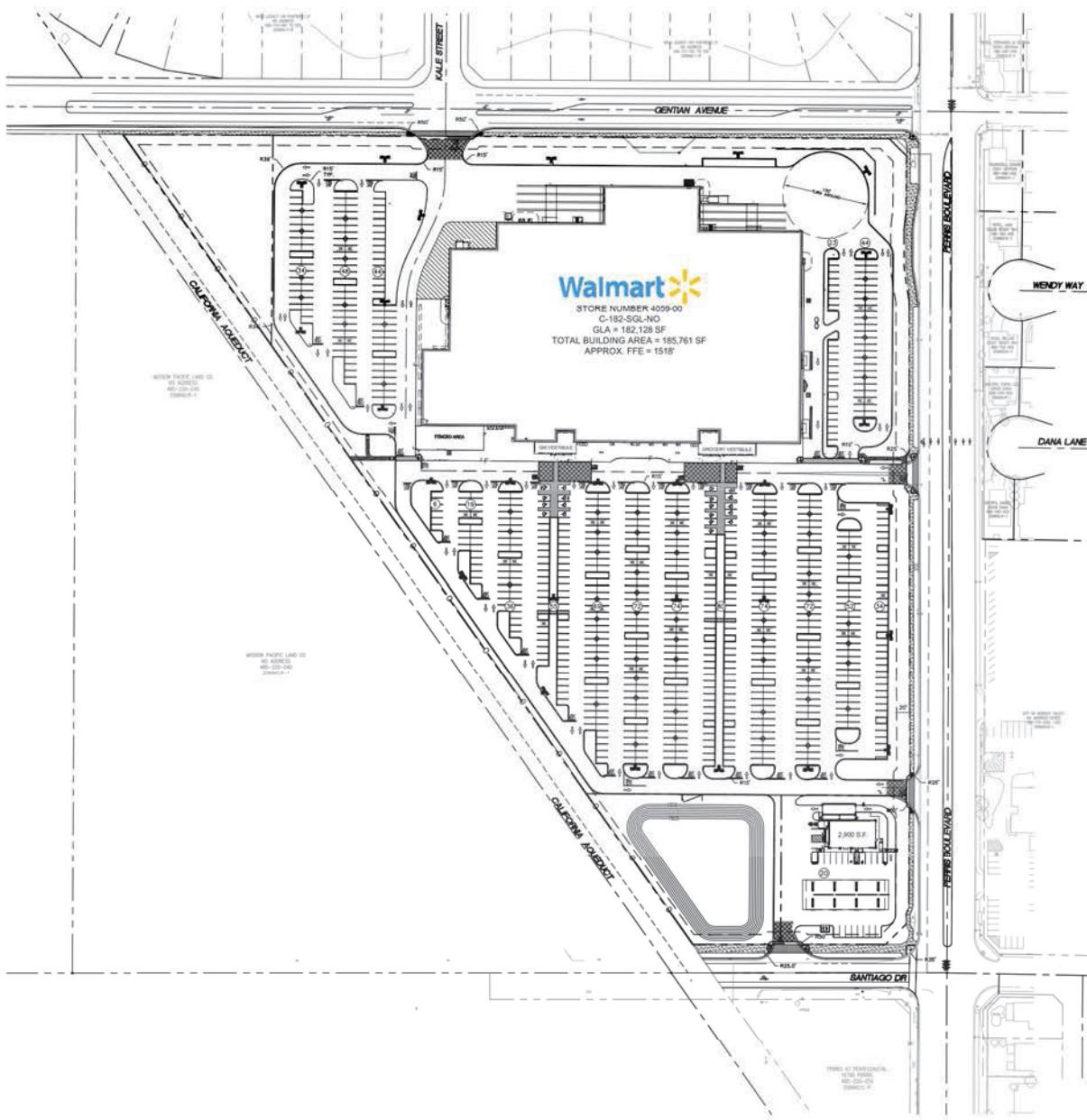
Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA13-0032; this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. This project will be located next to the aqueduct bikeway. The applicant shall consider vandal resistant and graffiti resistant fencing. The recommendation for durable fencing is tubular steel as found in the City's Standard Plans. Fencing and footings shall be placed solely on the applicant's property.

PCS2. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks and Community Services). All assessable parcels therein shall be subject to the annual Zone 'A' charge for operations and capital improvements.

THE INFORMATION AND SPECIFICATIONS IN THESE PLANS, INCLUDING ALL NOTES, ARE THE PROPERTY OF KIMLEY-HORN AND ASSOCIATES, INC. AND ARE NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF KIMLEY-HORN AND ASSOCIATES, INC.



Walmart
 STORE NUMBER 4059-00
 C-182-SQL-NO
 TOTAL BUILDING AREA = 185,761 SF
 APPROX. FFE = 1518'

SITE ANALYSIS TABLE	
RETAIL PARCEL (PARCEL 1)	18.22 ACRES
OUTPARCELS (PARCEL 2)	1.02 ACRES
DEFERRON (PARCEL 3)	1.12 ACRES
R/W DEDICATION	1.10 ACRES
PARKING DEDICATION	3.24 ACRES
TOTAL ACRES	22.70 ACRES
RETAIL BUILDING SIZE	185,761 S.F.

REQUIRED PARKING*	
TOTAL RETAIL PARKING	826 SPACES
RETAIL ADA PARKING	17 SPACES
CLEAN AIR VEHICLES (CAV)	88 SPACES
BICYCLE (BT)	42 SPACES
TOTAL SERVICE STATION PARKING	19 SPACES
SERVICE STATION ADA PARKING	1 SPACE
TOTAL FAST FOOD/RETAIL PARKING	49 SPACES
FAST FOOD/RETAIL ADA PARKING	1 SPACE

*REQUIRED PARKING IS BASED ON THE 4.0 ADA PARKING RATIO FOR COMMERCIAL RETAIL AND A 2% ADA PARKING REQUIREMENT.

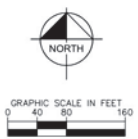
PROVIDED PARKING	
TOTAL RETAIL PARKING	826 SPACES
RETAIL ADA PARKING	19 SPACES
CLEAN AIR VEHICLES (CAV)	67 SPACES
BICYCLE (BT)	42 SPACES
CART CORRAL	48 SPACES
RETAIL PARKING RATIO	4.4 SPACES/1,000 S.F.

OUT PARCELS
 TOTAL SERVICE STATION PARKING: 20 SPACES
 TOTAL FAST FOOD/RETAIL PARKING: 55 SPACES
 TOTAL CORRAL SPACES ARE NOT INCLUDED IN THE PARKING RATIO QUANT.
 *REFER TO ARCH PLANS FOR BICYCLE PARKING LAYOUT.

LEGEND

- PROPOSED BUILDING
- PROPOSED CLUB AND GUTTER
- PROPOSED PARKING SPACES
- CART CORRAL
- PROPOSED SIDEWALK
- PROPOSED DECORATIVE CONCRETE PAVEMENT
- RETAIL PROPERTY LINE
- EXISTING PROPERTY LINE TO BE ABANDONED
- PROPOSED RIGHT-OF-WAY TO BE DEDICATED
- LANDSCAPE SETBACK LINE
- PROPOSED 3-RAIL WOOD OR VINYL FENCE
- PROPOSED FIRE LANE STRIPPING
- PROPOSED MODIFIED SIGNAL
- PROPOSED PARKING LOT LIGHT POLE AND FIXTURE

- SITE NOTES**
- ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND D.S.A. STANDARDS.
 - CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORTALS, TRUCK DOCKS, PROPOSED BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
 - ALL DISTURBED AREAS ARE TO RECEIVE FOUR INCHES OF TOPSOIL, SEED, MULCH AND WATER LAYS A HEALTHY STAND OF GRASS IS ESTABLISHED PER S006 SPECIFICATION.
 - ALL DIMENSIONS AND SPACING ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED. EXISTING STRUCTURES WITH AN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN BASE BID.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, UNLESS OTHERWISE NOTED ON PLANS INCLUDING BUT NOT LIMITED TO ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNMENT AUTHORITIES REQUIREMENTS AND PROJECT SITE WORK SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
 - SITE BOUNDARY, TOPOGRAPHY, UTILITY AND ROAD INFORMATION TAKEN FROM A SURVEY BY A LAND SURVEYOR.
 - TOTAL LAND AREA IS 22.70 ACRES.
 - THE SITE WORK FOR THIS PROJECT SHALL MEET OR EXCEED THE SITE SPECIFIC SPECIFICATIONS.
 - PISTON BORES SHALL BE CONSTRUCTED BY OTHERS.
 - REFER TO ARCH PLANS FOR SITE LIGHTING ELECTRICAL PLAN.
 - ALL GENERAL CONTRACTOR WORK TO BE COMPLETED EARLIEST POSSIBLE FINAL UTILITIES AND FINAL GRADING BY THE MILESTONE DATE IN PROJECT DOCUMENTS. FINAL UTILITIES AREA TO BE KEPT FREE OF JOB TRAILERS AND STORAGE AFTER THE CONTRACT MILESTONE DATE FOR THE OUTLOT. GENERAL CONTRACTOR TO PROVIDE CLEAR ACCESS FOR OUTLOT CONTRACTOR TO THE SPECIFIC PARCELS AT ALL TIMES AFTER MILESTONE DATE. PURCHASER OF OUTLOT TO PROVIDE PERMIT DOCUMENTS AND SBMPF REQUIRED BY STATE/LOCAL REQUIREMENTS FOR SPECIFIC OUTLOT.



DIGALERT
 DIAL TOLL FREE
 1-800-422-4133
 AT LEAST TWO DAYS
 BEFORE YOU DIG
 UNDERGROUND SERVICE ALERT
 OF SOUTHERN CALIFORNIA

ALERT TO CONTRACTOR:
 THE PRESENCE OF UNIDENTIFIED UTILITIES SHOULD BE ANTICIPATED ON THIS PROJECT. CONTRACTORS BID SHALL INCLUDE CONSIDERATION FOR THE RISK OF UNIDENTIFIED UTILITIES. CONTRACTORS SHALL BE RESPONSIBLE FOR IDENTIFYING, LOCATING, MARKING, AND PROTECTING ALL UTILITIES DURING PERIODS OF PREP WORK. PROVIDE ADEQUATE DETERMINING, DRAINAGE AND DRAINAGE SYSTEMS TO CONTROL MOISTURE OF SOIL. REFER TO WASTE/SITE SPECIFICATIONS.
 ALL GENERAL CONTRACTOR WORK TO BE COMPLETED EARLIEST POSSIBLE FINAL UTILITIES AND FINAL GRADING BY THE MILESTONE DATE IN PROJECT DOCUMENTS. OUTLOT AREA TO BE KEPT FREE OF JOB TRAILERS AND STORAGE AFTER THE CONTRACT MILESTONE DATE FOR THE OUTLOT. GENERAL CONTRACTOR TO PROVIDE CLEAR ACCESS FOR OUTLOT CONTRACTOR TO THE SPECIFIC PARCELS AT ALL TIMES AFTER MILESTONE DATE. PURCHASER OF OUTLOT TO PROVIDE PERMIT DOCUMENTS AND SBMPF REQUIRED BY STATE/LOCAL REQUIREMENTS FOR SPECIFIC OUTLOT.

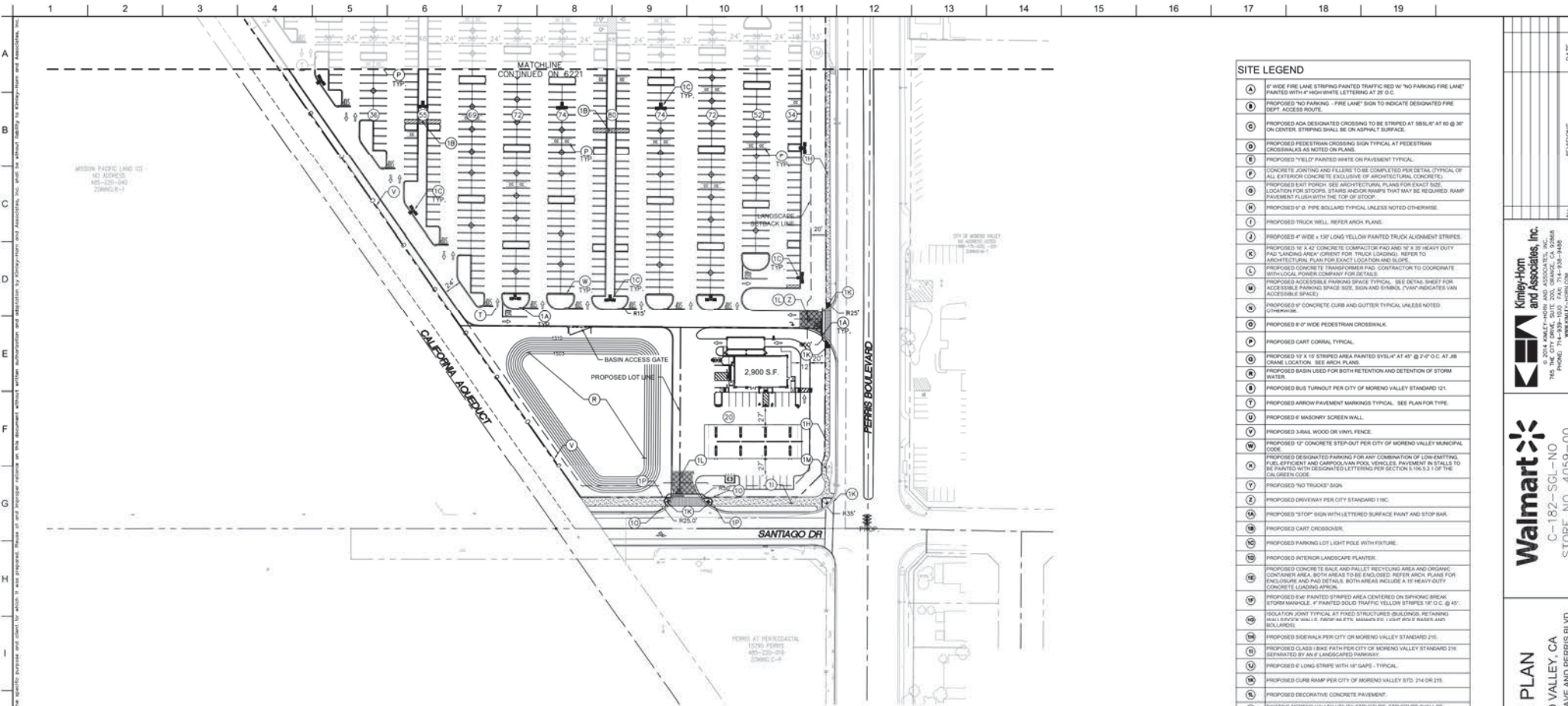
NO.	REVISIONS	DATE

Kimley-Horn and Associates, Inc.
 1000 N. GARDEN AVENUE, SUITE 200, GARDEN, CA 92540
 PHONE: 714-639-1000 FAX: 714-639-1488
 WWW.KIMLEY-HORN.COM

Walmart
 C-182-SQL-NO
 STORE NO. 4059-00

SITE PLAN
 MORENO VALLEY, CA
 SWC OF GENTIAN AVENUE AND FERRIS BLVD

SCALE AS NOTED
 DESIGNED BY LG
 DRAWN BY LG
 CHECKED BY KMR
 DATE 5/6/2014
 PROJECT NO. PA13-0032/
 0033/0034
 P13-071
 SHEET NUMBER 6220



MISSION PACIFIC LAND CO.
NO. ADDRESS:
MS-220-046
ZONING: R-1

FORM AT PERMITS/CONTRACT
1200 PERMITS
MS-220-046

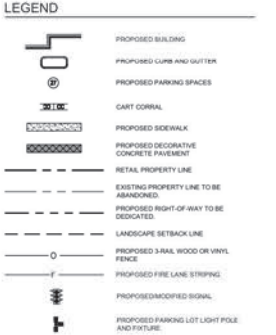
RETAIL PARCELS (PARCEL 1)	18.22 ACRES
OUTPARCEL (PARCEL 2)	1.02 ACRES
DETENTION (PARCEL 3)	1.12 ACRES
BW DEDICATION	1.10 ACRES
PARKS DEDICATION	0.84 ACRES
TOTAL ACREAGE	22.30 ACRES
RETAIL BUILDING SIZE	125,761 S.F.

TOTAL RETAIL PARKING	825 SPACES
RETAIL ADA PARKING	19 SPACES
CLEAN AIR VEHICLES (BA)	66 SPACES
BICYCLES (BN)	42 SPACES
TOTAL SERVICE STATION PARKING	15 SPACES
SERVICE STATION ADA PARKING	1 SPACE
TOTAL FAST FOOD/RETAIL PARKING	49 SPACES
FAST FOOD/RETAIL ADA PARKING	3 SPACES

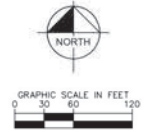
*REQUIRED PARKING IS BASED ON THE L.L. PARKING RATIO (COMMERCIAL RETAIL) AND A 2% ADA PARKING REQUIREMENT.

TOTAL RETAIL PARKING	825 SPACES
RETAIL ADA PARKING	19 SPACES
CLEAN AIR VEHICLES (BA)	67 SPACES
BICYCLES (BN)	42 SPACES
CART CORRAL*	43 SPACES
RETAIL PARKING RATIO	4.44 SPACES/1,000 S.F.
TOTAL SERVICE STATION PARKING	20 SPACES
TOTAL FAST FOOD/RETAIL PARKING	50 SPACES

*CART CORRAL SPACES ARE NOT INCLUDED IN THE PARKING RATIO COUNT.
*REFERS TO ARCH PLANS FOR BICYCLE MARKING LAYOUT.



- SITE NOTES**
- ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND C.E.M.A. STANDARDS.
 - CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATION AND DIMENSIONS OF VEHICLES, SLOPE DRIVING, SIDEWALKS, LOT POSITIONS, TRUCK DOORS, SPECIFIC BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
 - ALL OUTSIDE AREAS ARE TO RECEIVE FOUR INCHES OF TOPSOIL, SEED, MULCH AND WATER UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED. SEE 02800 SPECIFICATION.
 - ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
 - EXISTING STRUCTURES WITH CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN BASE BID. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, UNLESS OTHERWISE NOTED ON PLANS INCLUDING BUT NOT LIMITED TO: ALL UTILITIES, STORM DRAINAGE, SIGN, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REQUIREMENTS AND PROJECT SITE WORK SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
 - SITE BOUNDARY, TOPOGRAPHY, UTILITY AND ROAD INFORMATION TAKEN FROM A SURVEY BY A LAND SURVEYOR.
 - TOTAL LAND AREA IS 22.30 ACRES.
 - THE SITE WORK FOR THIS PROJECT SHALL MEET OR EXCEED THE SITE SPECIFIC SPECIFICATIONS.
 - PILE ON SIGNS SHALL BE CONSTRUCTED BY OTHERS.
 - REFER TO ARCH PLANS FOR SITE LIGHTING ELECTRICAL PLAN.
 - ALL GENERAL CONTRACTOR WORK TO BE COMPLETED (EARTHWORK, FINAL UTILITIES, AND FINAL GRADING) BY THE MILESTONE DATE INDICATED IN THE CONTRACT MILESTONE DATE FOR THE OUTLOT. GENERAL CONTRACTOR TO PROVIDE CLEAR ACCESS FOR OUTLOT CONTRACTOR TO THE SPECIFIC PARCEL AT ALL TIMES AFTER AN MBE/DBE DATE IS ANNOUNCED AS PART OF THE BIDDING PROCESS WITH SWPPP REQUIRED BY STATE/LOCAL REQUIREMENTS FOR SPECIFIC OUTLOT.



- SITE LEGEND**
- (A) 4" WIDE FIRE LANE STRIPING PAINTED TRAFFIC RED "NO PARKING FIRE LANE" PAINTED WITH 4" HIGH WHITE LETTERING AT 2' O.C.
 - (B) PROPOSED ADA DESIGNATED CROSSING TO BE STRIPED AT 88" @ 30" ON CENTER. STRIPING SHALL BE ON ASPHALT SURFACE.
 - (C) PROPOSED PEDESTRIAN CROSSING SIGN TYPICAL AT PEDESTRIAN CROSSWALKS AS NOTED ON PLANS.
 - (D) PROPOSED "WALK" PAINTED WHITE ON PAVEMENT TYPICAL.
 - (E) CONCRETE JOINTING AND FILLERS TO BE COMPLETED PER DETAIL (TYPICAL OF ALL EXTERIOR CONCRETE EXCLUSIVE OF ARCHITECTURAL CONCRETE).
 - (F) PROPOSED FOOT BRIMS BE ARCHITECTURAL PLANS PER DETAIL. SEE LOCATION FOR STAIRS, STAIRS AND/OR RAMPS THAT MAY BE REQUIRED. RAMP INCIDENTS FLUSH WITH THE TOP OF STOOD.
 - (G) PROPOSED 2" WIDE BOLLARD TYPICAL UNLESS NOTED OTHERWISE.
 - (I) PROPOSED TRUCK WELL. REFER ARCH. PLANS.
 - (J) PROPOSED 4" WIDE X 12" LONG YELLOW PAINTED TRUCK ALIGNMENT STRIPES.
 - (K) PROPOSED 12" X 42" CONCRETE CURB OR PAD AND 18" X 30" HEAVY DUTY PAD LANDING AREA. CONCRET FOR TRUCK LANDING. REFER TO ARCHITECTURAL PLAN FOR EXACT LOCATION AND SIZE.
 - (L) PROPOSED CONCRETE TRAFFIC ORNER PAD. CONTRACTOR TO COORDINATE WITH LOCAL POWER COMPANY FOR DE TALS.
 - (M) PROPOSED ACCESSIBLE PARKING SPACE TYPICAL. (SEE DETAIL SHEET FOR ACCESSIBLE PARKING SPACE SIZE, SIGN AND SYMBOL, "VAN" INDICATES VAN ACCESSIBLE SPACE).
 - (N) PROPOSED 4" CONCRETE CURB AND GUTTER TYPICAL UNLESS NOTED OTHERWISE.
 - (O) PROPOSED 8" WIDE PEDESTRIAN CROSSWALK.
 - (P) PROPOSED CART CORRAL TYPICAL.
 - (Q) PROPOSED 12" X 12" STRIPED AREA PAINTED YELLOW AT 47" @ 2' O.C. AT JOB CRANE LOCATION. SEE ARCH. PLANS.
 - (R) PROPOSED BASIN USED FOR BOTH RETENTION AND DETENTION OF STORM WATER.
 - (S) PROPOSED BUS TURNOUT PER CITY OF MORENO VALLEY STANDARD 121.
 - (T) PROPOSED ARROW PAVEMENT MARKINGS TYPICAL. SEE PLAN FOR TYPE.
 - (U) PROPOSED 6" MASONRY SCREEN WALL.
 - (V) PROPOSED 3 RAIL WOOD OR VINYL FENCE.
 - (W) PROPOSED 12" CONCRETE STEP-OUT PER CITY OF MORENO VALLEY MUNICIPAL CODE.
 - (X) PROPOSED DESIGNATED PARKING FOR ANY COMBINATION OF LOW EMITTING, FUEL EFFICIENT AND CARPOOL/VAN POOL VEHICLES. PAVEMENT IS SHALL BE PAINTED WITH DESIGNATED LETTERING PER SECTION 3.106.2.1 OF THE CALIFORNIA CODE.
 - (Y) PROPOSED "NO TRUCKS" SIGN.
 - (Z) PROPOSED DRIVEWAY PER CITY STANDARD 118C.
 - (AA) PROPOSED "STOP" SIGN WITH LETTERED SURFACE PAINT AND STOP BAR.
 - (AB) PROPOSED CART CROSSOVER.
 - (AC) PROPOSED PARKING LOT LIGHT POLE WITH FIXTURE.
 - (AD) PROPOSED INTERIOR LANDSCAPE PLANTER.
 - (AE) PROPOSED CONCRETE BALE AND PALLET RECYCLING AREA AND ORGANIC CONTAINER AREA. BOTH AREAS TO BE ENCLOSED. REFER ARCH. PLANS FOR ENCLOSURE AND PAD DETAILS. BOTH AREAS INCLUDE A 18" HEAVY DUTY CONCRETE CLOSING WALL.
 - (AF) PROPOSED 6" WIDE PAINTED STRIPED AREA CENTERED ON SPHONIC BREAK (STORM MANHOLE). IF PAINTED STOP TRAFFIC YELLOW STRIPES 18" O.C. @ 45'.
 - (AG) RELOCATION SIGN TYPICAL AT EXISTING STRUCTURES BUILDINGS. RE-PAINTED WALL, SIGN WALLS. SIGN POSTS, MANHOLES, LIGHT BOXES, BOLLARDS & BOLLARDS.
 - (AH) PROPOSED SIDEWALK PER CITY OF MORENO VALLEY STANDARD 215.
 - (AI) PROPOSED CLASS 1 (BIKE) PATH PER CITY OF MORENO VALLEY STANDARD 216.
 - (AJ) PROPOSED 4" LONG STRIPE WITH 18" GAPS - TYPICAL.
 - (AK) PROPOSED CURB RAMP PER CITY OF MORENO VALLEY STD. 214 OR 215.
 - (AL) PROPOSED DECORATIVE CONCRETE PAVEMENT.
 - (AM) EXISTING MORENO VALLEY UTILITY STRUCTURE. STRUCTURE SHALL BE PROTECTED IN PLACE.
 - (AN) PROPOSED DRIVE THROUGH CANOPY. A MINIMUM OF 12" VERTICAL CLEARANCE SHALL BE PROVIDED FOR FIRE ACCESS. REFER ARCH PLANS FOR DETAIL.
 - (AO) PROPOSED SIGN INDICATING "END OF BIKE PATH".
 - (AP) PROPOSED SIGN INDICATING "START OF BIKE PATH".

DIGALERT
DIAL TOLL FREE
1-800-422-4133
AT LEAST TWO DAYS
BEFORE YOU DIG
UNDERGROUND SERVICE ALERT
OF SOUTHERN CALIFORNIA

ALERT TO CONTRACTOR:

- THE PRESENCE OF UNOCCUPIED SHOULD BE ANTICIPATED ON THE PROJECT. CONTRACTORS BID SHALL INCLUDE CONSIDERATION FOR THE TIME TO BE SPENT ON GRADING OPERATIONS DURING PERIODS OF WET WEATHER. PROVIDE ADEQUATE DRAINAGE, DRAINAGE AND GROUND WATER MANAGEMENT TO CONTROL MOISTURE OF SOIL. REFER TO WASTEWATER SPECIFICATIONS.
- ALL GENERAL CONTRACTOR WORK TO BE COMPLETED (EARTHWORK, FINAL UTILITIES, AND FINAL GRADING) BY THE MILESTONE DATE IN PROJECT DOCUMENTS. OUTLOT AREA TO BE KEPT FREE OF JOB TRAILERS AND STORAGE AFTER THE CONTRACT MILESTONE DATE FOR THE OUTLOT. AN GENERAL CONTRACTOR TO PROVIDE CLEAR ACCESS FOR OUTLOT CONTRACTOR TO THE SPECIFIC PARCEL AT ALL TIMES AFTER MILESTONE DATE. PURCHASER OF OUTLOT TO PROVIDE PERMITS, DOCUMENTS AND SWPPP REQUIRED BY STATE/LOCAL REQUIREMENTS FOR SPECIFIC OUTLOT.

DATE: _____
REVISIONS: _____

Kimley-Horn and Associates, Inc.
185 THE CITY DRIVE, SUITE 200, OAKLAND, CA 94612
PHONE: 714-839-8300 FAX: 714-933-1488
WWW.KIMLEY-HORN.COM

Walmart
C-182-SQL-NO
STORE NO. 4059-00

SITE PLAN
MORENO VALLEY, CA
SVC OF GENTIAN AVE AND FERRIS BLVD

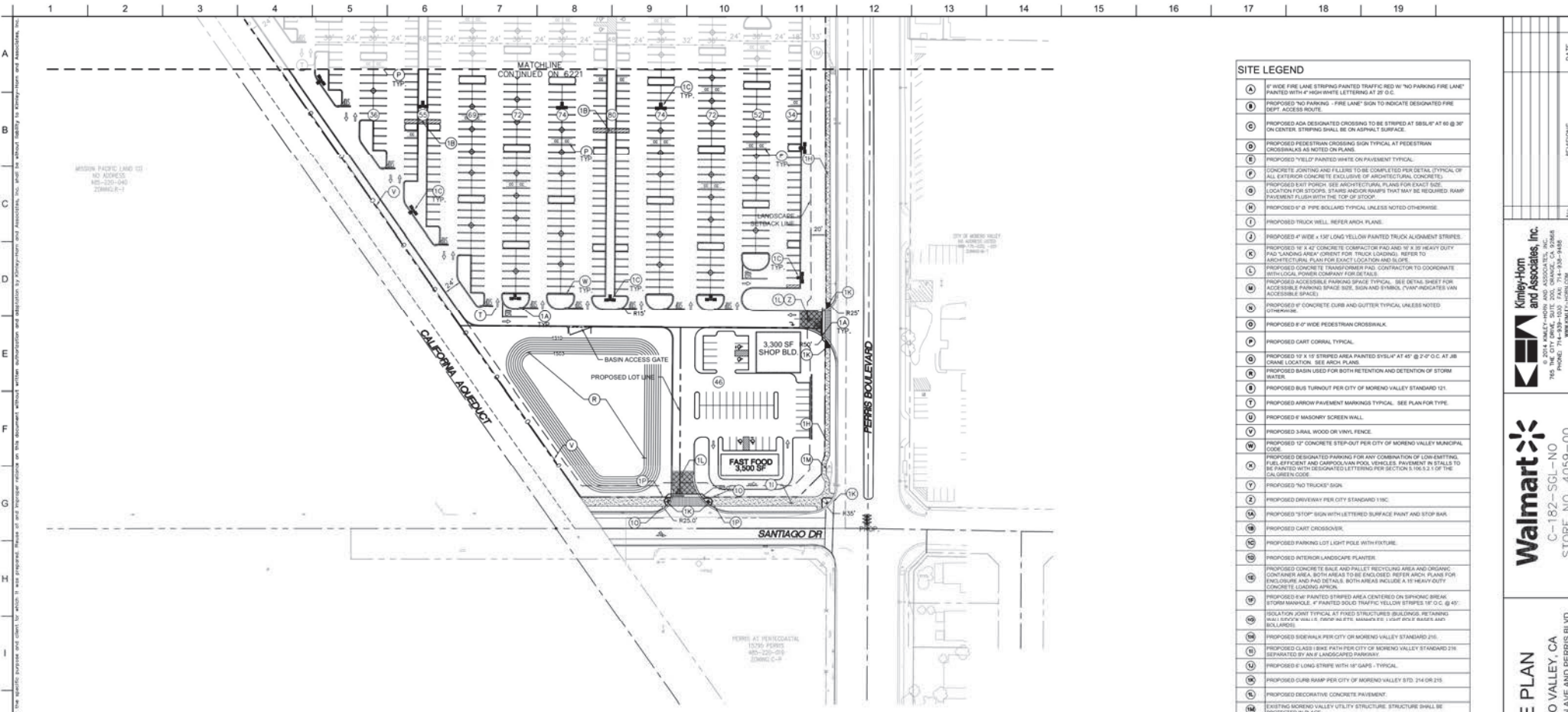
SCALE: AS NOTED
DESIGNED BY: LG
DRAWN BY: LG
CHECKED BY: KMR

DATE: 5/6/2014
PROJECT NO.: PA13-0032/
0033/0034
P13-071

SHEET NUMBER: 6222A

3K

Packet Pg. 434



SITE LEGEND

- (A) 4" WIDE FIRE LANE STRIPING PAINTED TRAFFIC RED W/ "NO PARKING FIRE LANE" PAINTED WITH 4" HIGH WHITE LETTERING AT 2' O.C.
- (B) PROPOSED ADA DESIGNATED CROSSING TO BE STRIPED AT 88" @ 30" ON CENTER. STRIPING SHALL BE ON ASPHALT SURFACE.
- (C) PROPOSED PEDESTRIAN CROSSING SIGN TYPICAL AT PEDESTRIAN CROSSWALKS AS NOTED ON PLANS.
- (D) PROPOSED "WALK" PAINTED WHITE ON PAVEMENT TYPICAL.
- (E) CONCRETE JOINTING AND FILLERS TO BE COMPLETED PER DETAIL (TYPICAL OF ALL EXTERIOR CONCRETE EXCLUSIVE OF ARCHITECTURAL CONCRETE).
- (F) PROPOSED SLOPE FORMS BE ARCHITECTURAL PLANS PER DETAIL. LOCATION FOR STAIRS, STAIRS AND/OR RAMPS THAT MAY BE REQUIRED. RAMP INCIDENTS FLUSH WITH THE TOP OF STOOD.
- (G) PROPOSED 4" WIDE BELAND TYPICAL UNLESS NOTED OTHERWISE.
- (H) PROPOSED TRUCK WELL. REFER ARCH. PLANS.
- (I) PROPOSED 4" WIDE x 12" LONG YELLOW PAINTED TRUCK ALIGNMENT STRIPES.
- (J) PROPOSED 12" x 42" CONCRETE CURB OR PAD AND 18" x 30" HEAVY DUTY PAD LANDING AREA. CONCRET FOR TRUCK LANDING. REFER TO ARCHITECTURAL PLAN FOR EXACT LOCATION AND SIZE.
- (K) PROPOSED CONCRETE TRUNK/DRIVEWAY. CONTRACTOR TO COORDINATE WITH LOCAL POWER COMPANY FOR DE TALS.
- (L) PROPOSED CONCRETE PARKING SPACE TYPICAL. (SEE DETAIL SHEET FOR ACCESSIBLE PARKING SPACE SIZE, SIGN AND SYMBOL, "VAN" INDICATES VAN ACCESSIBLE SPACE).
- (M) PROPOSED 4" CONCRETE CURB AND GUTTER TYPICAL UNLESS NOTED OTHERWISE.
- (N) PROPOSED 8" O" WIDE PEDESTRIAN CROSSWALK.
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- (Q) PROPOSED BASIN USED FOR BOTH RETENTION AND DETENTION OF STORM WATER.
- (R) PROPOSED BUS TURNOUT PER CITY OF MORENO VALLEY STANDARD 121.
- (S) PROPOSED ARROW PAVEMENT MARKINGS TYPICAL. SEE PLAN FOR TYPE.
- (T) PROPOSED 4" MASONRY SCREEN WALL.
- (U) PROPOSED 3" HAIL WOOD OR VINYL FENCE.
- (V) PROPOSED 12" CONCRETE STEP/OUT PER CITY OF MORENO VALLEY MUNICIPAL CODE.
- (W) PROPOSED DESIGNATED PARKING FOR ANY COMBINATION OF LOW EMITTING, FUEL EFFICIENT AND CARPOOL/VAN POOL VEHICLES. PAVEMENT IS SHALLS TO BE PAINTED WITH DESIGNATED LETTERING PER SECTION 3.106.5.2.1 OF THE CALIFORNIA CODE.
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- (Z) PROPOSED "STOP" SIGN WITH LETTERED SURFACE PAINT AND STOP BAR.
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- (AE) PROPOSED 6" PAINTED STRIPED AREA CENTERED ON SPINCH BREAK. STOP/ MANHOLE. 4" PAINTED STOP TRAFFIC YELLOW STRIPES 18" O.C. @ 45'.
- (AF) RECYCLING SIGN TYPICAL AT RECYCLING STRUCTURES. RECYCLED WALL SIGN WALLS. SIGN POSTS. MANHOLE LIGHT BOX'S. BALE AND BOLLARDS.
- (AG) PROPOSED SIDEWALK PER CITY OF MORENO VALLEY STANDARD 215.
- (AH) PROPOSED CLASS 1 (BIKE PATH PER CITY OF MORENO VALLEY STANDARD 216) SEPARATED BY AN 18" LANDSCAPED PARKWAY.
- (AI) PROPOSED 4" LONG STRIPE WITH 18" GAPS - TYPICAL.
- (AJ) PROPOSED CURB RAMP PER CITY OF MORENO VALLEY STD. 214 OR 215.
- (AK) PROPOSED DECORATIVE CONCRETE PAVEMENT.
- (AL) EXISTING MORENO VALLEY UTILITY STRUCTURE. STRUCTURE SHALL BE PROTECTED IN PLACE.
- (AM) PROPOSED DRIVE THROUGH CANOPY. A MINIMUM OF 12" VERTICAL CLEARANCE SHALL BE PROVIDED FOR FIRE ACCESS. REFER ARCH PLANS FOR DETAIL.
- (AN) PROPOSED SIGN INDICATING "END OF BIKE PATH".
- (AO) PROPOSED SIGN INDICATING "START OF BIKE PATH".

SITE ANALYSIS TABLE

RETAIL PARCELS (PARCEL 1)	18.22 ACRES
OUTPARCEL (PARCEL 2)	1.02 ACRES
DETENTION (PARCEL 3)	1.12 ACRES
BW DEDICATION	1.10 ACRES
PARKS DEDICATION	0.84 ACRES
TOTAL ACRESAGE	22.30 ACRES
RETAIL BUILDING SIZE	125,761 S.F.

REQUIRED PARKING*

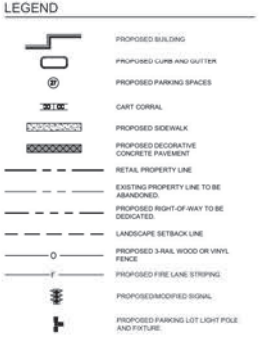
TOTAL RETAIL PARKING	825 SPACES
RETAIL ADA PARKING	19 SPACES
CLEAN AIR VEHICLES (CAV)	66 SPACES
BICYCLES (BN)	42 SPACES
TOTAL SERVICE STATION PARKING	15 SPACES
SERVICE STATION ADA PARKING	1 SPACE
TOTAL FAST FOOTPRINT PARKING	49 SPACES
FAST FOOTPRINT ADA PARKING	3 SPACES

*REQUIRED PARKING IS BASED ON THE L.L. PARKING RATIO (COMMERCIAL RETAIL) AND A 2% ADA PARKING REQUIREMENT.

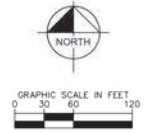
PROVIDED PARKING

TOTAL RETAIL PARKING	825 SPACES
RETAIL ADA PARKING	19 SPACES
CLEAN AIR VEHICLES (CAV)	67 SPACES
BICYCLES (BN)	42 SPACES
CART CORRAL**	43 SPACES
RETAIL PARKING RATIO	4.44 SPACES/1,000 S.F.
OUT PARCELS	
TOTAL SERVICE STATION PARKING	20 SPACES
TOTAL FAST FOOTPRINT PARKING	50 SPACES

**CART CORRAL SPACES ARE NOT INCLUDED IN THE PARKING RATIO COUNT. REFER TO ARCH PLANS FOR BICYCLE MARKING LAYOUT.



- ### SITE NOTES
- ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND C.E.M.A. STANDARDS.
 - CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATION AND DIMENSIONS OF VEHICLES, SLOPE FORMS, SIDEWALKS, LOT POSURES, TRUCK DOORS. PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
 - ALL UTILITIES AREAS ARE TO RECEIVE FOUR INCHES OF TOPSOIL, SEED, MULCH AND WATER UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED. SEE 0280 SPECIFICATION.
 - ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
 - EXISTING STRUCTURES WITH CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN BASE BID. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS UNLESS OTHERWISE NOTED ON PLANS INCLUDING BUT NOT LIMITED TO ALL UTILITIES, STORM DRAINAGE, SIGN, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REQUIREMENTS AND PROJECT SITE WORK SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
 - SITE BOUNDARY, TOPOGRAPHY, UTILITY AND ROAD INFORMATION TAKEN FROM A SURVEY BY A LAND SURVEYOR.
 - TOTAL LAND AREA IS 22.30 ACRES.
 - THE SITE WORK FOR THIS PROJECT SHALL MEET OR EXCEED THE SITE SPECIFIC SPECIFICATIONS.
 - PIVOT SIGNS SHALL BE CONSTRUCTED BY OTHERS.
 - REFER TO ARCH PLANS FOR SITE LIGHTING ELECTRICAL PLAN.
 - ALL GENERAL CONTRACTOR WORK TO BE COMPLETED (EARTHWORK, FINAL UTILITIES, AND FINAL GRADING) BY THE MILESTONE DATE INDICATED ON THE OUTLOT AREA TO BE KEPT FREE OF JOB TRAILERS AND STORAGE AFTER THE CONTRACT MILESTONE DATE FOR THE OUTLOT. GENERAL CONTRACTOR TO PROVIDE CLEAR ACCESS FOR OUTLOT CONTRACTOR TO THE SPECIFIC PARCEL AT ALL TIMES AFTER AN 88% BIDDING DATE. AN 88% BIDDING DATE IS THE DATE THAT THE GENERAL CONTRACTOR SHALL BE REQUIRED TO PROVIDE PER STATE LOCAL REQUIREMENTS FOR SPECIFIC OUTLOT.



ALERT TO CONTRACTOR:

1. THE PRESENCE OF UNCONTRACTED SHOULD BE ANTICIPATED ON THIS PROJECT. CONTRACTORS BID SHALL INCLUDE CONSIDERATION FOR THIS. WHEN PERFORMING GRADING OPERATIONS DURING PERIODS OF WET WEATHER, PROVIDE ADEQUATE DRAINAGE AND GRADING WATER MANAGEMENT TO CONTROL MOISTURE OF SOIL. REFER TO WASTEWATER SPECIFICATIONS.

2. ALL GENERAL CONTRACTOR WORK TO BE COMPLETED (EARTHWORK, FINAL UTILITIES, AND FINAL GRADING) BY THE MILESTONE DATE IN PROJECT DOCUMENTS. OUTLOT AREA TO BE KEPT FREE OF JOB TRAILERS AND STORAGE AFTER THE CONTRACT MILESTONE DATE FOR THE OUTLOT. THE GENERAL CONTRACTOR TO PROVIDE CLEAR ACCESS FOR OUTLOT CONTRACTOR TO THE SPECIFIC PARCEL AT ALL TIMES AFTER MILESTONE DATE. PAVEMENT OF OUTLOT TO PROVIDE PER STATE LOCAL REQUIREMENTS FOR SPECIFIC OUTLOT.

DATE: _____
REVISIONS: _____

Kimley-Horn and Associates, Inc.
185 THE CITY CENTER, SUITE 200, CHANUC, CA 92506
PHONE: 714-939-8300 FAX: 714-939-9188
WWW.KIMLEY-HORN.COM

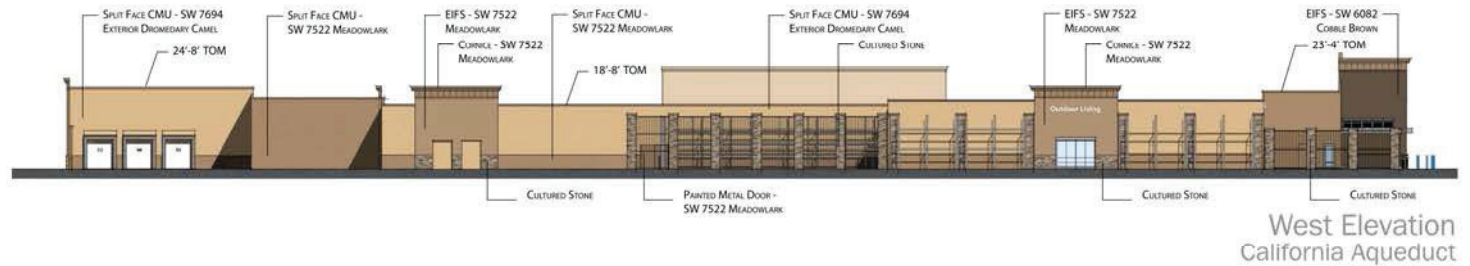
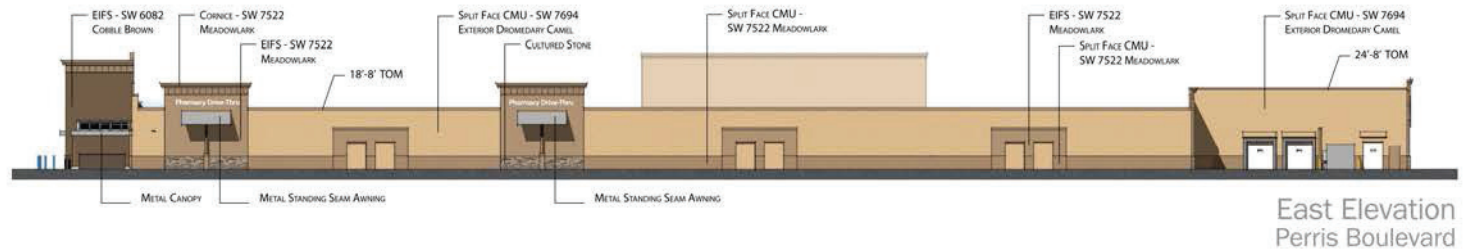
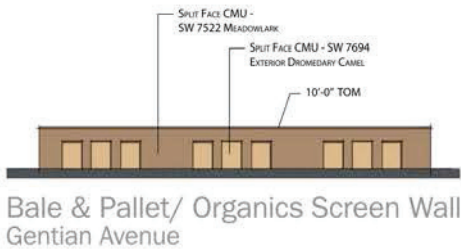
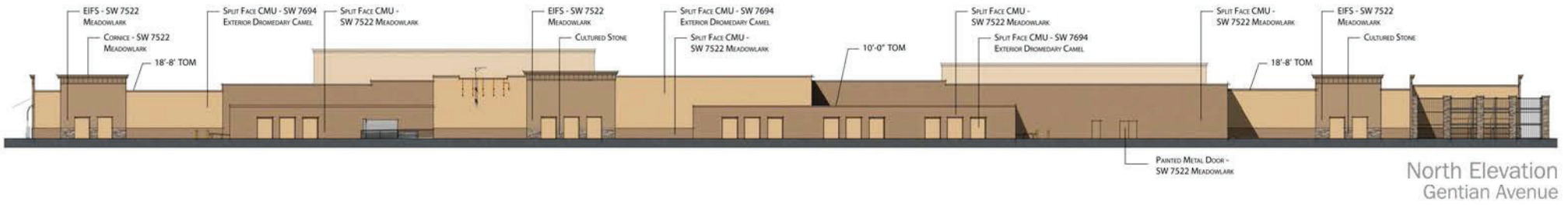
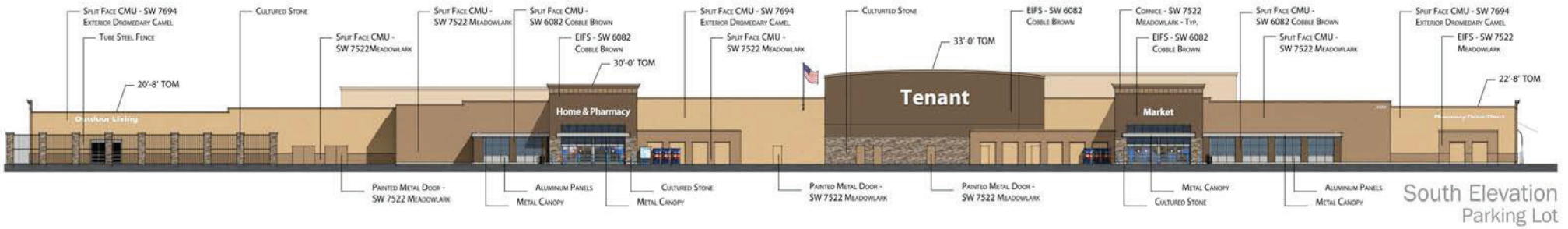
Walmart
C-182-SQL-NO
STORE NO. 4059-00

SITE PLAN
MORENO VALLEY, CA
SVC OF GENTIAN AVE AND FERRISS BLVD

SCALE: AS NOTED
DESIGNED BY: LG
DRAWN BY: LG
CHECKED BY: KMR

DATE: 9/15/2014
PROJECT NO: PA13-0032/0033-0034
P13-071

SHEET NUMBER: 6222B



Confidential

Design Presentation Only - Not For Construction

wd April 4, 2014

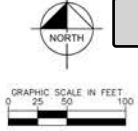
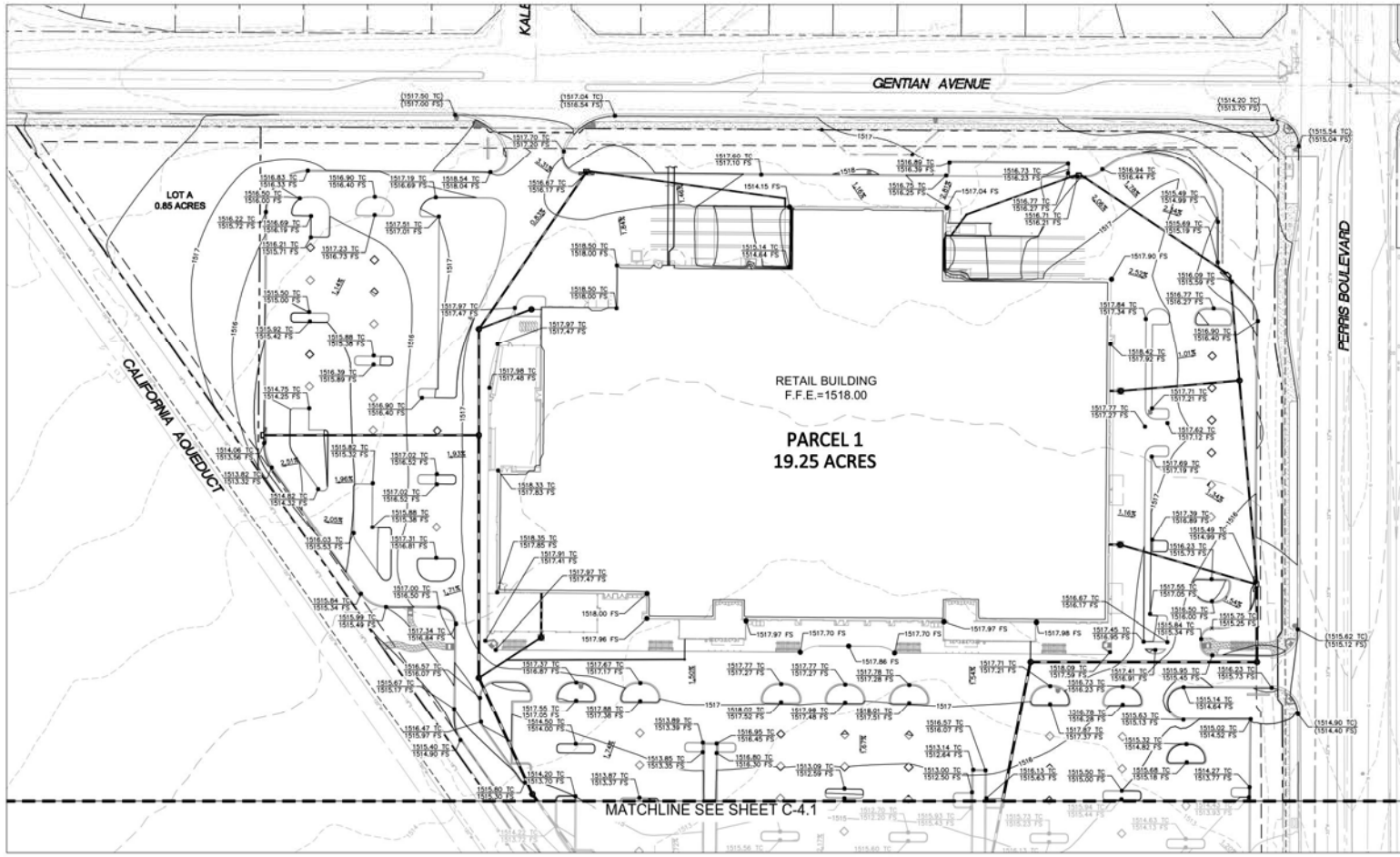
Moreno Valley, CA

Elevations - Not to Scale

7

Packet Pg. 436

3k



- LEGEND**
- EXISTING PROPERTY LINE TO REMAIN.
 - - - EXISTING PROPERTY TO BE ABANDONED.
 - - - PROPOSED RIGHT-OF-WAY LINE.
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - PROPOSED SLOPE
 - PROPOSED SPOT GRADE
 - PROPOSED STORM SEWER PIPE
 - MATCHLINE
 - PROPOSED CURB INLET
 - PROPOSED STORM MANHOLE
- ABBREVIATION LEGEND**
- TC - TOP OF CURB
 - FS - FINISH SURFACE
 - F.F.E. - FINISH FLOOR ELEVATION

CUT/FILL SUMMARY					
CUT	FILL FACTOR	AREA	CUT (CU. YD.)	FILL (CU. YD.)	NET (CU. YD.)
1.0000	1.2000	22.28 ACRES	39,773.	39,252.	521 (CUT)

EARTHWORK QUANTITIES ARE PROVIDED FOR PERMITTING PURPOSES ONLY. EARTHWORK QUANTITIES PROVIDED HEREIN SHALL NOT BE USED FOR BIDDING PURPOSES.

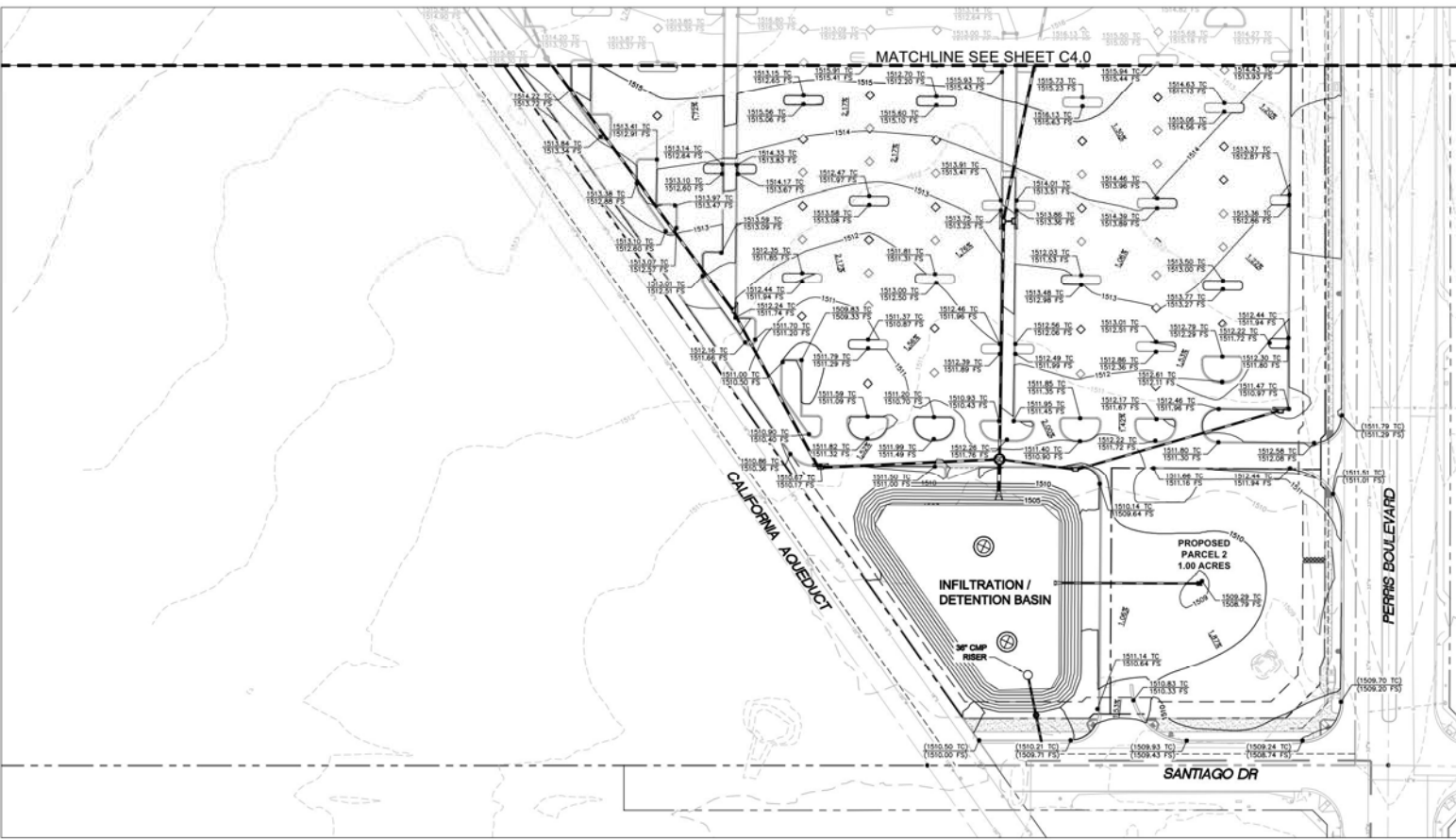
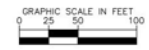
DIGALERT

 DIAL TOLL FREE
 1-800-422-4133
 AT LEAST TWO DAYS
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 OF SOUTHERN CALIFORNIA

ALERT TO CONTRACTOR:

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PRELIMINARY
Walmart
Kimley-Horn
Attachment: Preliminary Grading Plan (1682) - The South Moreno Valley Walmart project proposes a Plot
 SWIC OF GENTIAN AVE AND FERRIS BLVD
 STORE NO. 4039-00
 www.kimley-horn.com
 REVISIONS
 DATE



- LEGEND**
- EXISTING PROPERTY LINE TO REMAIN.
 - - - EXISTING PROPERTY TO BE ABANDONED.
 - - - PROPOSED RIGHT-OF-WAY LINE.
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
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 UNDERGROUND SERVICE ALERT
 OF SOUTHERN CALIFORNIA

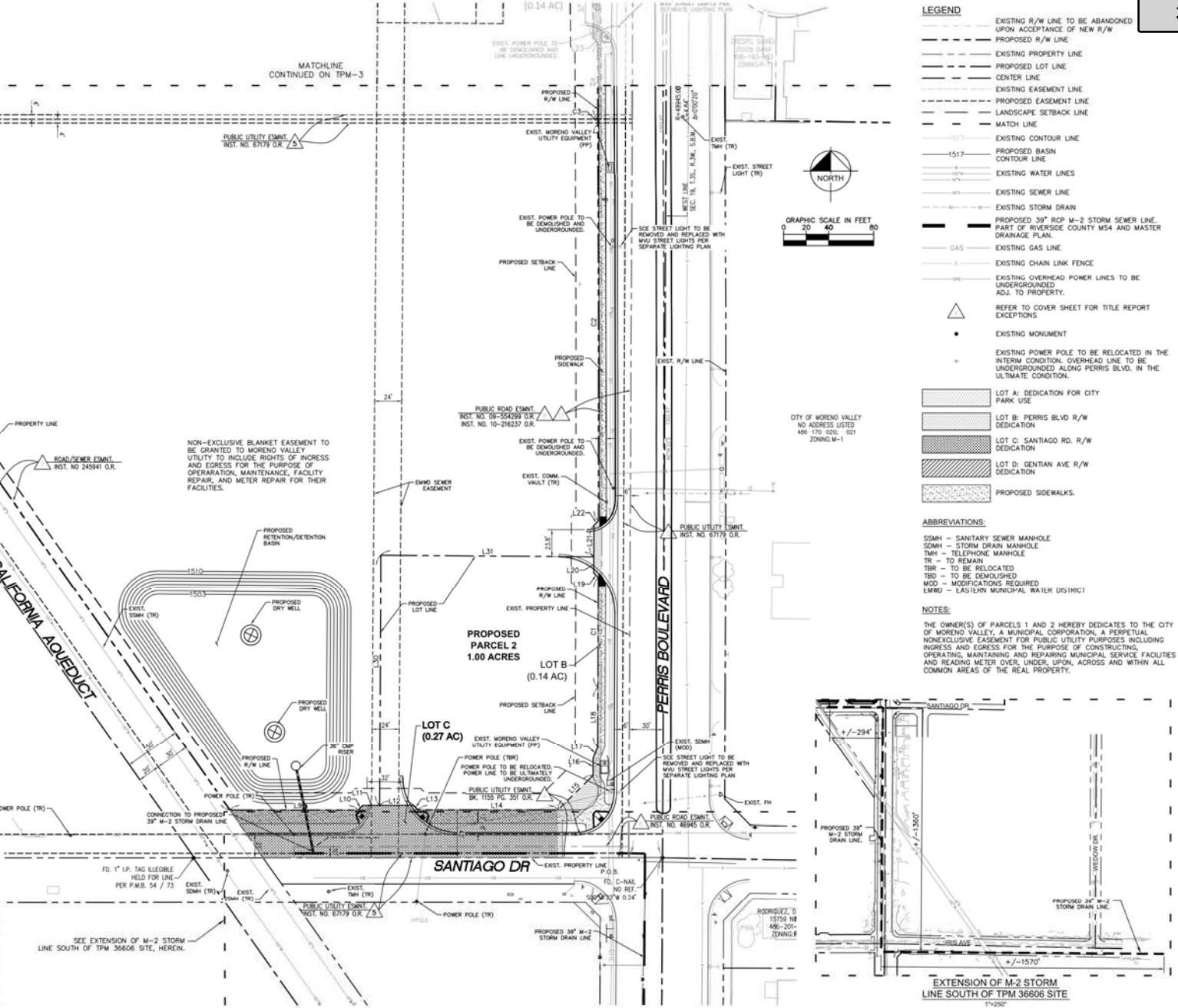
ALERT TO CONTRACTOR:

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PRELIMINARY
Walmart
Kimlyan Horn
Attachment: Preliminary Grading Plan (1682) - The South Moreno Valley Walmart project proposes a Plot
 SLORE, NO. 4039-00
 SWIC OF CENTAIN AVE AND PERRIS BLVD
 DATE
 REVISIONS
 SCALE
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LINE TABLE		
LINE	LENGTH	BEARING
L1	624.83	N89°41'55.05"W
L2	5.66	S45°17'49.97"W
L3	84.46	N89°42'12.01"W
L4	5.67	N44°42'10.03"W
L5	210.41	N89°41'55.84"W
L6	229.60	N89°41'55.84"W
L7	395.00	S35°06'30.84"E
L8	1100.77	S35°06'30.84"E
L9	113.71	N89°59'04.80"E
L10	5.66	N45°00'00.00"E
L11	15.26	N89°59'04.80"E
L12	30.23	N89°59'04.80"E
L13	5.66	S45°00'00.00"E
L14	124.10	N89°59'04.80"E
L15	43.58	N45°25'04.61"E
L16	15.10	N0°14'28.15"E
L17	11.28	N20°49'20.33"E
L18	52.98	N0°16'22.00"E
L19	5.64	N45°00'00.02"W
L20	14.56	S0°07'55.62"W
L21	27.83	S0°07'55.62"W
L22	5.67	S45°00'00.00"W
L23	6.41	S38°49'04.15"E
L24	6.70	S36°30'45.47"W
L25	36.16	S9°15'53.91"E
L26	55.12	S0°11'33.75"W
L27	11.86	S9°39'44.86"W
L28	85.07	N0°16'22.00"E
L29	36.64	N44°42'45.84"W
L30	222.64	S0°16'22.18"W
L31	189.04	S89°34'07.51"E
L32	321.93	N0°25'52.74"E

CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	49942.00'	97.41'	N0°13'01"E	97.41'	0°06'42"	48.71'
C2	49942.00'	351.70'	S0°05'55"E	351.70'	0°24'13"	175.85'
C3	50003.13'	4.85'	S0°17'51"E	4.85'	0°00'20"	2.42'
C4	50058.00'	67.40'	S0°15'22"E	67.40'	0°04'38"	33.70'
C5	50062.00'	58.48'	S0°10'42"E	58.48'	0°04'01"	29.24'
C6	50058.00'	228.73'	S0°00'28"E	228.73'	0°15'42"	114.37'
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C8	77.00'	12.73'	S4°50'39"W	12.71'	9°28'11"	6.38'



LEGEND

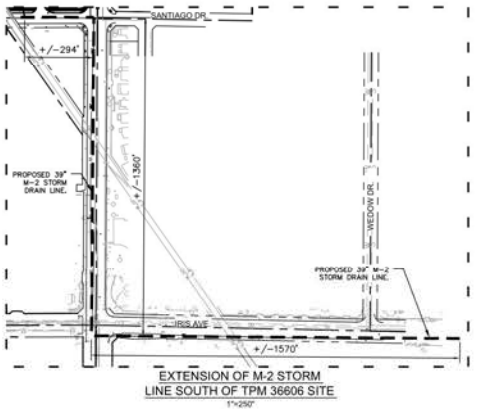
- EXISTING R/W LINE TO BE ABANDONED UPON ACCEPTANCE OF NEW R/W
- PROPOSED R/W LINE
- EXISTING PROPERTY LINE
- PROPOSED LOT LINE
- CENTER LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- LANDSCAPE SETBACK LINE
- LANDSCAPE SETBACK LINE
- MATCH LINE
- EXISTING CONTOUR LINE
- PROPOSED BASIN CONTOUR LINE
- EXISTING WATER LINES
- EXISTING SEWER LINE
- EXISTING STORM DRAIN
- PROPOSED 30" RCP M-2 STORM SEWER LINE, PART OF RIVERSIDE COUNTY MS4 AND MASTER DRAINAGE PLAN
- EXISTING GAS LINE
- EXISTING CHAIN LINK FENCE
- EXISTING OVERHEAD POWER LINES TO BE UNDERGROUND ALONG PERRIS BLVD. IN THE ADJ. TO PROPERTY.
- REFER TO COVER SHEET FOR TITLE REPORT EXCEPTIONS
- EXISTING MONUMENT
- EXISTING POWER POLE TO BE RELOCATED IN THE INTERIM CONDITION. OVERHEAD LINE TO BE UNDERGROUND ALONG PERRIS BLVD. IN THE ULTIMATE CONDITION.

ABBREVIATIONS:

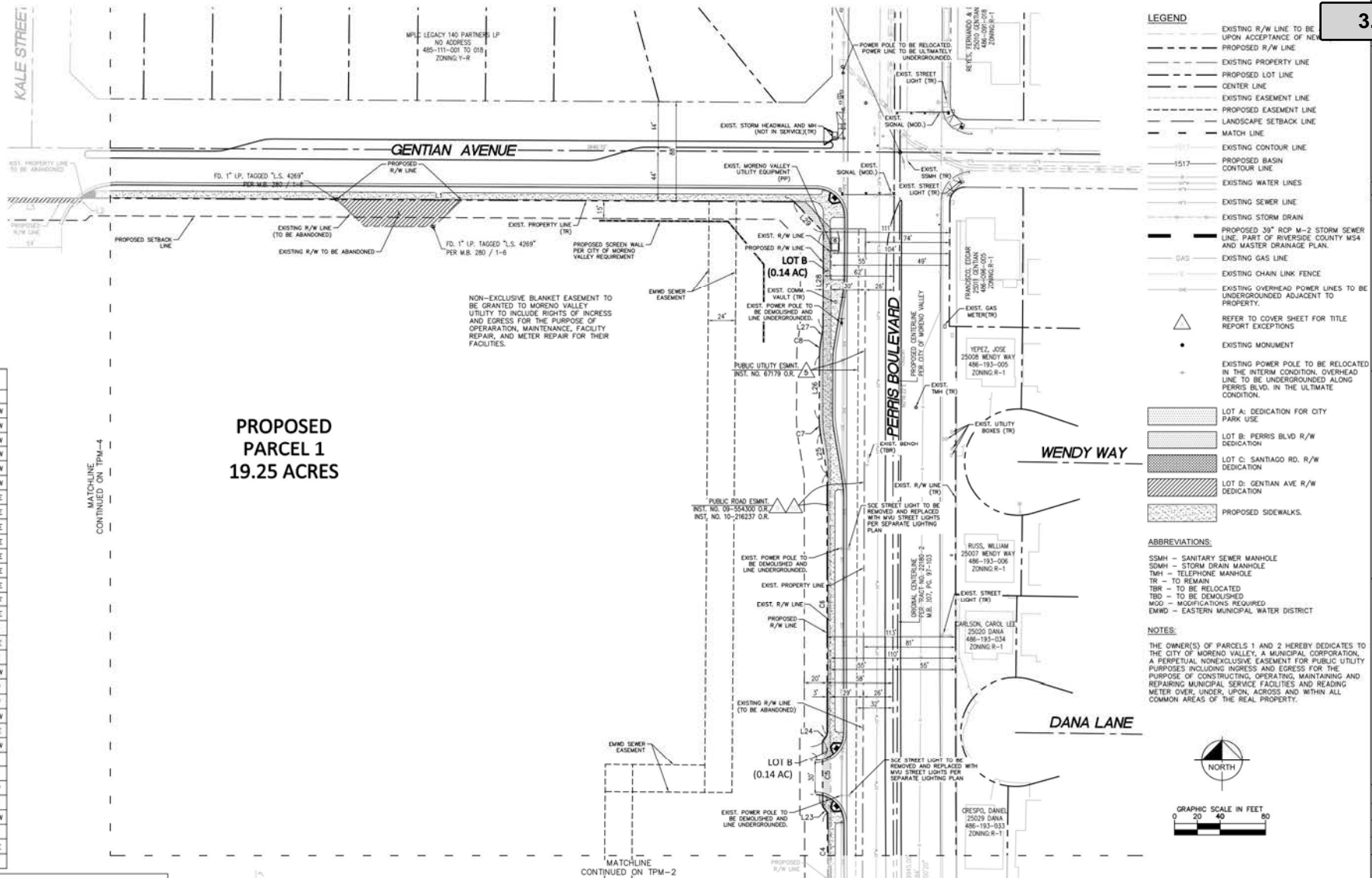
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- TMH - TELEPHONE MANHOLE
- TR - TO REMAIN
- TRB - TO BE RELOCATED
- TBD - TO BE DEMOLISHED
- MOD - MODIFICATIONS REQUIRED
- EMRD - EAST/WEST MUNICIPAL WATER DISTRICT

NOTES:

THE OWNER(S) OF PARCELS 1 AND 2 HEREBY DEDICATES TO THE CITY OF MORENO VALLEY, A MUNICIPAL CORPORATION, A PERPETUAL NONEXCLUSIVE EASEMENT FOR PUBLIC UTILITY PURPOSES INCLUDING INGRESS AND EGRESS FOR THE PURPOSE OF CONSTRUCTING, OPERATING, MAINTAINING AND REPAIRING MUNICIPAL SERVICE FACILITIES AND READING METER OVER, UNDER, UPON, ACROSS AND WITHIN ALL COMMON AREAS OF THE REAL PROPERTY.



Attachment: Tentative Parcel Map 36606 (1682) - The South Moreno Valley Walmart project proposes a
 TENTATIVE PARCEL MAP
 Walmart
 The South Moreno Valley Walmart project proposes a
 SWIC OF GENTIAN AVE AND PERRIS BLVD
 STORE NO. 4039-00
 DATE
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**PROPOSED
PARCEL 1
19.25 ACRES**

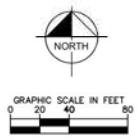
LINE TABLE

LINE	LENGTH	BEARING
L1	624.83	N89°41'55.05"W
L2	5.66	S45°17'49.97"W
L3	84.46	N89°42'12.01"W
L4	5.67	N44°42'10.03"W
L5	210.41	N89°41'55.84"W
L6	229.60	N89°41'55.84"W
L7	395.00	S35°06'30.84"E
L8	1100.77	S35°06'30.84"E
L9	113.71	N89°59'04.80"E
L10	5.66	N45°00'00.00"E
L11	15.26	N89°59'04.80"E
L12	30.23	N89°59'04.80"E
L13	5.66	S45°00'00.00"E
L14	124.10	N89°59'04.80"E
L15	43.58	N45°28'04.61"E
L16	15.10	N0°14'28.15"E
L17	11.28	N20°49'20.33"E
L18	52.98	N0°16'22.00"E
L19	5.64	N45°00'00.02"E
L20	14.56	S0°07'55.62"W
L21	27.83	S0°07'55.62"W
L22	5.67	S45°00'00.00"W
L23	6.41	S38°49'04.15"E
L24	6.70	S36°30'45.47"W
L25	36.16	S9°15'53.91"E
L26	55.12	S0°11'33.75"W
L27	11.86	S9°39'44.86"W
L28	85.07	N0°16'22.00"E
L29	36.64	N44°42'45.84"W
L30	222.64	S0°16'22.18"W
L31	189.04	S89°34'07.51"E
L32	321.93	N0°25'52.74"E

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	49942.00'	97.41'	N0°13'01"E	97.41'	0°06'42"	48.71'
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- LEGEND**
- EXISTING R/W LINE TO BE UPON ACCEPTANCE OF NE
 - PROPOSED R/W LINE
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 - CENTER LINE
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 - EXISTING MONUMENT
 - EXISTING POWER POLE TO BE RELOCATED IN THE INTERIM CONDITION. OVERHEAD LINE TO BE UNDERGROUND ALONG PERRIS BLVD. IN THE ULTIMATE CONDITION.
 - LOT A: DEDICATION FOR CITY PARK USE
 - PERRIS BLVD R/W DEDICATION
 - LOT C: SANTIAGO RD. R/W DEDICATION
 - LOT D: GENTIAN AVE R/W DEDICATION
 - PROPOSED SIDEWALKS.
- ABBREVIATIONS:**
- SSMH - SANITARY SEWER MANHOLE
 - SDMH - STORM DRAIN MANHOLE
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 - TR - TO REMAIN
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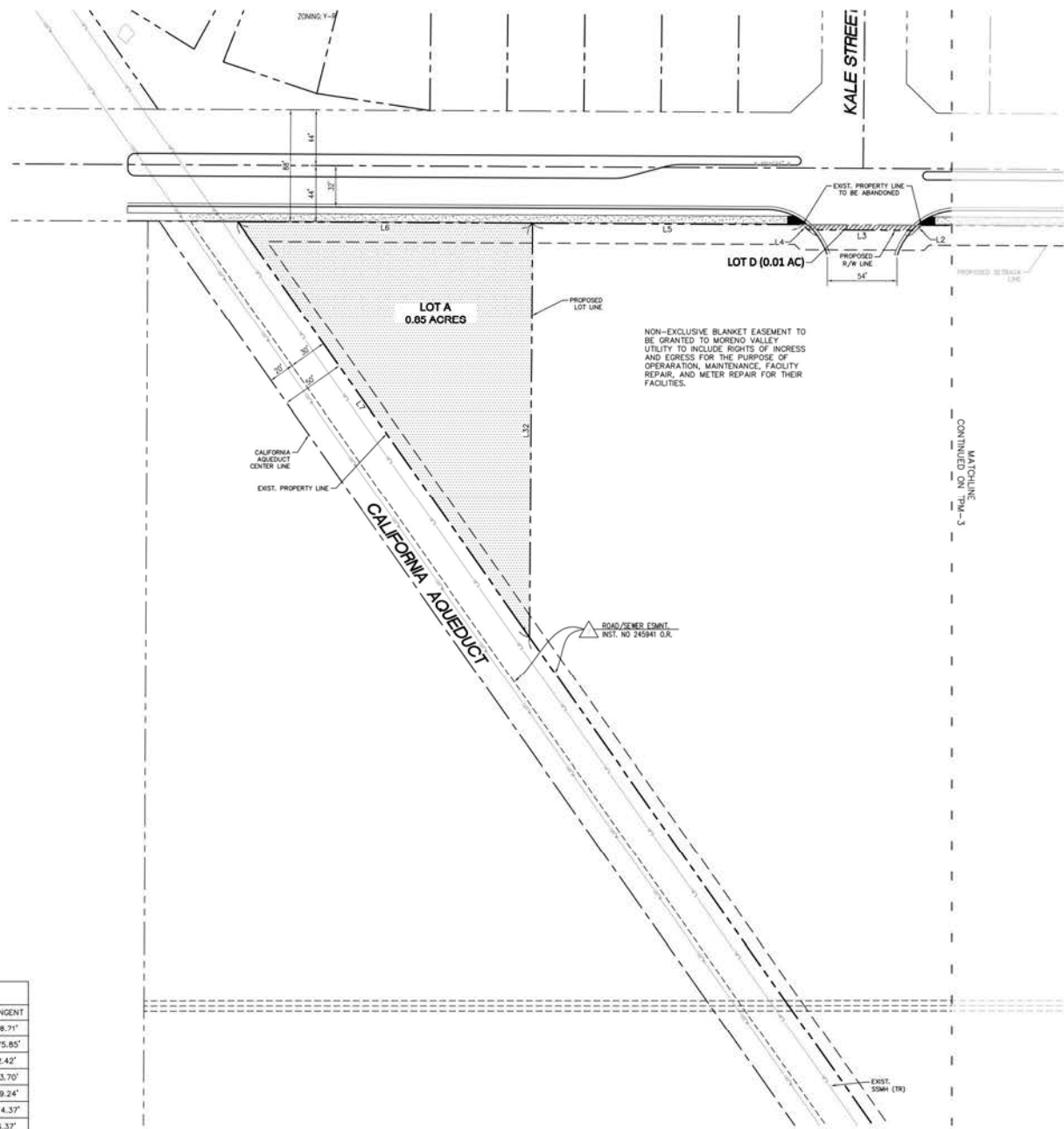
MATCHLINE
CONTINUED ON TPM-4

MATCHLINE
CONTINUED ON TPM-2

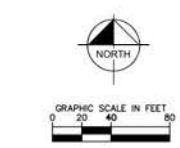
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3.m

DATE _____

REVISIONS _____

Kinley-Horn
 Walmart
 TENTATIVE PARCEL MAP
Attachment: Tentative Parcel Map 36606 (1682) : The South Moreno Valley Walmart project proposes a
 STORE NO. 4039-00
 SWIC OF GENTIAN AVE AND PERRIS BLVD
 SHEET NO. 1
 SCALE: 1" = 40'

Grace Espino-Salcedo

Subject: RE: New Walmart super center

From: Egyptianlover1
Sent: Tuesday, April 29, 2014 10:41 PM
To: Jeff Bradshaw
Subject: New Walmart super center

Hello Mr Jeff. I spoke to you earlier today about the new walmart. I hope it passes all the bylaws. It will tremendously help the community of Moreno Valley. I understand that there is a high chance of increased commuting traffic. That is understandable and expected. I hope there will be a gas station, walmart, a few restaurants, and anything else possible. You have my 100% approval on any project that will be successful here on Perris Blvd. Instead of the triangle zoning, why not use the entire vacant lot and build a major plaza. That would be great.

My info is:
Ehab Mosaad

Moreno Valley, Ca 92551

Sent from my Samsung Galaxy Mega!

Attachment: Public Comment Emails (1682) : The South Moreno Valley Walmart project proposes a Plot Plan application for development of a

Grace Espino-Salcedo

Subject: RE: New WalMart project

-----Original Message-----

From: Brian Smith

Sent: Tuesday, March 17, 2015 4:26 PM

To: Mike Lee

Subject: New WalMart project

Hello Mike Lee:

My name is Brian Smith, I live in Moreno Valley at the southern end of Perris Blvd by Home Depot, near the proposed new Wal Mart project.

I am interested in hearing any news on when a hearing may be scheduled, or if any progress has been made on an EIR.

A shopping center of this scale would be a huge "plus" in my book for this part of town. I am truly looking forward to this project.

I wish you all the best in your role with the City of Moreno Valley, and I look forward to new projects coming to the city.

Sincerely,

Brian Smith

Attachment: Public Comment Emails (1682 : The South Moreno Valley Walmart project proposes a Plot Plan application for development of a

Grace Espino-Salcedo

Subject: RE: FW: South Moreno Valley Walmart Draft Environmental Impact Report

From: Leslie Settle

Sent: Monday, April 20, 2015 8:54 AM

To: Planning Email

Subject: FW: FW: South Moreno Valley Walmart Draft Environmental Impact Report

Dear Planning Committee,

Please... we do not need another Walmart, carwash, bowling alley or fitness center. If we want to be a thriving city we need to expand ourselves on a higher level mentality. We need to bring in business that attracts other educated professionals to visit and retain their services. Maybe even places that cater to youth and young adults as well besides 3 locations for bowling. Most of our money, outside of household shopping, leaves the city because there is nothing to do here out of the norm.

Moreno Valley has a lot of potential and open land. It is a great place for families with great community events. We should really be looking at cities that thrive like San Diego, San Fran, Long Beach, even Rancho Cucamonga to see what we can do to make ourselves known for more than open land and wasteful space. Maybe even building up a downtown area?

Sorry for the rash email but I am at work and really wanted you to hear my heart.

If there are ways for us to get involved on these types of decisions please let me know. Me, my sister and my brother are all homeowners of Moreno Valley with small children and looking to make where we live even better. =)

Thank you and have a breathtaking day,
Leslie Renee Settle

Attachment: Public Comment Emails (1682 : The South Moreno Valley Walmart project proposes a Plot Plan application for development of a

Grace Espino-Salcedo

Subject: RE: South Moreno Valley Walmart Draft Environmental Impact Report

From: Cherie

Sent: Friday, April 17, 2015 7:16 PM

To: City of Moreno Valley

Subject: Re: South Moreno Valley Walmart Draft Environmental Impact Report

Please not another Walmart!!!! The very last thing we need!!!!
Please build a Costco on the east end!!

Thank you Cherie Andrews

Sent from my iPad

Attachment: Public Comment Emails (1682) : The South Moreno Valley Walmart project proposes a Plot Plan application for development of a

Grace Espino-Salcedo

Subject: RE: South Moreno Valley Walmart Project Final Environmental Impact Report Released, Public Hearing Scheduled

From: Cherie

Sent: Monday, September 28, 2015 8:06 PM

To: Jeff Bradshaw

Subject: Re: South Moreno Valley Walmart Project Final Environmental Impact Report Released, Public Hearing Scheduled

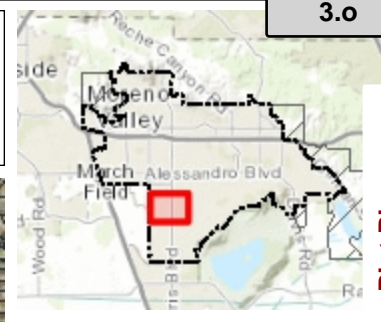
We need a Costco at the eastern end of Moreno Valley!
Walmart brings down the neighborhood!!!!!!
Thank you for your time!

Cherie Andrews

Sent from my iPad

Attachment: Public Comment Emails (1682 : The South Moreno Valley Walmart project proposes a Plot Plan application for development of a

South Moreno Valley Walmart Project



Legend

- Public Facilities
 - Public Facilities
 - ★ Fire Stations
- Parcels
- ⊞ City Boundary
- ⊞ Sphere of Influence

Notes

2,192.3 0 1,096.14 2,192.3 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.