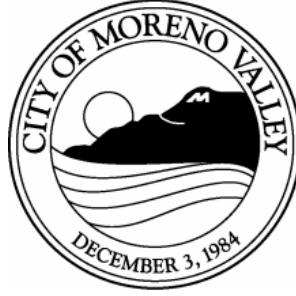

PLANNING COMMISSIONERS

ALVIN DEJOHNETTE
Chairperson

VACANT
Vice Chairperson

OMAR COBIAN
Commissioner



JOANN STEPHAN
Commissioner

RAY BAKER
Commissioner

VACANT
Commissioner

VACANT
Commissioner

PLANNING COMMISSION Regular Meeting

Agenda

Thursday, April 27, 2023 at 6:00 PM
City Hall Council Chamber – 14177 Frederick Street

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENTS PROCEDURE

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

PUBLIC COMMENTS

CONSENT CALENDAR

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

1. Planning Commission Minutes – Regular Meeting – April 13, 2023 6:00 PM

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

NON-PUBLIC HEARING ITEMS

No items for discussion.

PUBLIC HEARING ITEMS

- 1. Case: Specific Plan Amendment (PEN21-0168)
Tentative Parcel Map (PEN22-0061)
- Applicant / Property Owner: Moreno Valley Mall Holding, LLC
- Representative: Matt Ilbak, Moreno Valley Mall Holding, LLC
- Project Site: 22500 Town Circle, south of Route 60 on Town Circle and Centerpoint Drive west of Frederick Street (APNs: 291-110-032, 291-110-033, 291-110-034, 291-110-035)
- Case Planner: Lisa Edwards, Consultant Planner
- Council District: 1
- Proposed Project: A proposed revitalization and redevelopment of a portion of the existing Moreno Valley Mall.
- CEQA: Certify Final Subsequent Environmental Impact Report, and adopt Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program

- 2. Case: Plot Plan (PEN22-0029)
- Applicant: Empire Construction Management, Inc.
- Property Owner: FB Flamingo Bay MV, LLC
- Representative: Deborah Hull, Empire Construction Management, Inc.
- Project Site: South of Alessandro Boulevard, west of Lasselle Street, and north of Copper Cove Lane (APNs: 484-030-013 & 484-030-026)
- Case Planner: Gabriel Diaz
- Council District: 3
- Proposed Project: A Plot Plan for a 96-unit apartment complex, on an approximately 4.07-acre site.
- CEQA: Adopt Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

OTHER COMMISSION BUSINESS

No items for discussion.

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

Planning Commission Regular Meeting Thursday, April 27 at 6:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.

**OFFICIAL MINUTES OF THE
PLANNING COMMISSION
OF THE CITY OF MORENO VALLEY**

**REGULAR MEETING – 6:00 PM
April 13, 2023**

CALL TO ORDER

This regular meeting of the Planning Commission of the City of Moreno Valley was called to order at 6:01 p.m., by Chairperson DeJohnette in the Council Chambers located at 14177 Frederick Street, Moreno Valley, California.

ROLL CALL

Planning Commission:	Alvin DeJohnette	Chairperson	Present
	Matthew Chen	Vice-Chairperson	Present
	Omar Cobian	Commissioner	Present
	JoAnn Stephan	Commissioner	Present
	Ray L. Baker	Commissioner	Present

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Chen.

APPROVAL OF AGENDA

RESULT: APPROVED [UNANIMOUS]
MOVER: Matthew Chen, Vice Chairperson
SECONDER: Ray L. Baker, Commissioner
AYES: Matthew Chen, Ray L. Baker, Alvin DeJohnette, Omar Cobian, JoAnn Stephan

SELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

1. Accept Nominations for and elect a new Chairperson

The Planning Official administered the vote for a new Chairperson. Commissioner Chen made a motion to reappoint Chairperson DeJohnette. Commissioner Cobian seconded the motion.

RESULT: APPROVED [UNANIMOUS]
MOVER: Matthew Chen, Vice Chairperson
SECONDER: Omar Cobian, Commissioner
AYES: Matthew Chen, Omar Cobian, JoAnn Stephan, Ray L. Baker

2. Accept Nominations for and elect a new Vice-Chairperson

Chairperson DeJohnette administered the vote for a new Vice-Chairperson. Chairperson DeJohnette made a motion to reappoint Vice-Chairperson Chen. Commissioner Baker seconded the motion.

RESULT: APPROVED [UNANIMOUS]
MOVER: Alvin DeJohnette, Chairperson
SECONDER: Ray L. Baker, Commissioner
AYES: Alvin DeJohnette, Ray L. Baker, Omar Cobian, JoAnn Stephan

PUBLIC COMMENTS PROCEDURE

PUBLIC COMMENTS

No public comments.

CONSENT CALENDAR

1. Planning Commission - Regular Meeting - March 23, 2023 6:00 PM

RESULT: APPROVED [UNANIMOUS]
MOVER: Ray L. Baker, Commissioner
SECONDER: JoAnn Stephan, Commissioner
AYES: Ray L. Baker, JoAnn Stephan, Alvin DeJohnette, Matthew Chen, Omar Cobian

NON-PUBLIC HEARING ITEMS

1. Proposed Concept Plan for the Alessandro Boulevard Historic Right-of-Way, pursuant to the World Logistics Center Specific Plan.
 - A. Staff recommends that the Planning Commission take the following actions:
 1. Approve Concept Plan PEN22-0216 for the alignment and preservation of the Alessandro Boulevard Historic right-of-way and direct the Community Development Director to issue the approval letter with the attached conditions of approval.
 - a) **APPROVE** the Proposed Project and direct the Community Development Director to issue the approval letter for Concept Plan PEN22-0216 for the Alessandro Boulevard Historic Right-of-Way with the attached conditions of approval.

Public Hearing Opened: 6:11 p.m.

No public speakers

Public Hearing Closed: 6:12 p.m.

Minutes Acceptance: Minutes of Apr 13, 2023 6:00 PM (CONSENT CALENDAR)

RESULT: APPROVED [UNANIMOUS]
MOVER: Matthew Chen, Vice Chairperson
SECONDER: Ray L. Baker, Commissioner
AYES: Matthew Chen, Ray L. Baker, Alvin DeJohnette, Omar Cobian, JoAnn Stephan

PUBLIC HEARING ITEMS

No items for discussion

OTHER COMMISSION BUSINESS

No items for discussion.

STAFF COMMENTS

Planning Official shared that he went to the American Planning Association Conference in Philadelphia to accept the Best Practices Award that was presented to the City of Moreno Valley for the Kaiser Permanente project.

PLANNING COMMISSIONER COMMENTS

Chairperson DeJohnette, Vice-Chair Chen, Commissioner Cobian, and Commissioner Stephan attended the League of California Cities' Planning Commissioner's Academy in late March and spoke about their experience.

In addition, Chairperson DeJohnette indicated that the City of Moreno Valley runs the Planning Commission meetings very well and thanked staff for their dedication.

ADJOURNMENT

There being no further business to come before the Planning Commission, Chairperson adjourned the meeting at 6:24 PM.

Submitted by:

Approved by:

Rachel Ramirez
Planning Commission Secretary

Alvin DeJohnette
Chairperson

Minutes Acceptance: Minutes of Apr 13, 2023 6:00 PM (CONSENT CALENDAR)

Meeting Date: April 27, 2023

MORENO VALLEY MALL REDEVELOPMENT PROJECT

Case: Specific Plan Amendment (PEN21-0168) Tentative Parcel Map (PEN22-0061)

Applicant / Property Owner: Moreno Valley Mall Holding, LLC

Representative: Matt Ilbak, Moreno Valley Mall Holding, LLC

Project Site: 22500 Town Circle, south of Route 60 on Town Circle and Centerpoint Drive west of Frederick Street (APNs: 291-110-032, 291-110-033, 291-110-034, 291-110-035)

Case Planner: Lisa Edwards, Consultant Planner

Council District: 1

Proposed Project: A proposed revitalization and redevelopment of a portion of the existing Moreno Valley Mall.

CEQA: Certify Final Subsequent Environmental Impact Report, and adopt Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program

SUMMARY

Moreno Valley Mall Holding, LLC, (“Applicant”) is requesting approval of a Specific Plan Amendment and Tentative Parcel Map within the Center Mixed Use (CEMU) District and TownGate Specific Plan (SP-200) (the “Project Site”). The Proposed Project consists of two hotels totaling 270 rooms, four residential buildings totaling 1,627 apartment units, plaza level retail in three of the residential buildings for a total of 40,000 square feet, as well as the removal of the existing 16,344 square foot auto center as part of an overall program to revitalize and redevelopment the existing Moreno Valley Mall, located at 22500 Town Circle.

PROJECT DESCRIPTION

Specific Plan Amendment

The approval of the Specific Plan Amendment (SPA) would amend and supersede the existing Towngate Specific Plan (SP-200) for the portion of Planning Area 2 (PA2) that fully encompasses the Project Site. This Specific Plan Amendment (SPA) is a modification to SP-200, dividing (PA2) into two subareas: PA 2A and PA 2B. PA 2A will comprise approximately 59 acres having 2.8 million square feet, with private internal driveways, parking facilities, and private/public infrastructure. The balance of the Project Site will become PA 2B and makes up approximately 34 acres and has 377,594 square feet including private drives and parking facilities. The SPA will establish the standards and guidelines for future development and redevelopment of PA 2A, while PA 2B will continue to refer to existing regulations set forth in SP-200.

As discussed in the Specific Plan Amendment the vision of the redeveloped Moreno

Valley Mall will include the creation of a new mixed-use district that supports the existing retail uses and provides opportunities to live, work, play, and grow with the community. The new diverse mixture of uses seeks to fulfill an evolutionary concept that defines the parameters of site planning and design to adapt to ever-changing market trends. As previously identified the proposed build-out associated with this amendment will consist of two hotels totaling 270 rooms, four residential buildings totaling 1,627 apartment units, plaza level retail in three of the residential buildings for a total of 40,000 square feet, as well as the removal of the existing 16,344 square foot auto center described in further detail below.

The existing mall will be re-modeled with enhanced interior elements and certain facade improvements, in addition to repurposing the existing Gottschalks building as new retail and repurposing the existing Sears building for multi-tenant retail and related uses. Additionally, the existing "Food Court" will be redeveloped into a new interior and exterior "pavilion" style Food Market and exterior area between the existing cinema and the former Gottschalks building will be redesigned to include outdoor dining on a patio.

To define the primary entry from Centerpoint Drive, one 60,000 square foot office building is proposed. With two hotel operations within a single hotel building totaling 270 rooms, a restaurant, and a conference center located adjacent.

A central plaza and public open space is proposed to provide a community gathering place and connect pedestrian access to the Moreno Valley Mall and surrounding proposed buildings which will include elements such as seating, a stage area for performance, kiosks, water features, and shade structures.

Four multi-family communities are proposed in the southeastern and the northwest area of the mall totaling 1,627. Each of the communities will feature amenities such as pools/spas, courtyards, roof decks or gardens, fitness centers, and business centers. Residential uses will include a combination of private open space (patios or balconies) and common open space (fitness centers, courtyards, lounges, pool and spa areas). The multi-family buildings in the southeastern mall area would also include approximately 40,000 square feet of first floor retail.

Tentative Parcel Map

A Tentative Parcel Map is also proposed which will subdivide the existing four parcels into 22 parcels with land uses consisting of the MoVal Mall, commercial, residential, hotel, and office uses, plus common open space, and surface parking lots.

Project Site/Surrounding Area

The Moreno Valley Mall is bounded by a loop road (Town Circle) and is located south of the SR-60, east of Day Street, and west of Frederick Street. Existing adjacent developments include multi-story apartments, hotels, and a fitness centers to the south. To the east and west of the Project Site are existing commercial uses including home improvement stores, other general retail, and restaurants.

Access/Parking

The Proposed Project will be served by the existing loop road (Town Circle), which provides access to existing surrounding streets such as Heritage Way and Centerpoint Drive. Additionally, Access will be enhanced through the incorporation of multiple transit stations are proposed to be dispersed and relocated to the north perimeter of the property to serve and connect various user destinations, as well as new bicycle lanes.

As detailed in the Specific Plan Amendment several of the large parking fields will be replaced with new uses which will result in the need for additional parking structures serving both the proposed residential units, office, and hotel uses along with the proposed and existing retail uses.

REVIEW PROCESS

All appropriate outside agencies have considered the Proposed Project part of the standard review process. The Proposed Project was reviewed by the Project Review Staff Committee as required by the Municipal Code. Following subsequent revisions and reviews by staff, the Proposed Project was determined to be complete.

ENVIRONMENTAL

Previous EIR

The Final Environmental Impact Report (Final EIR) for the TownGate Specific Plan was certified by the City of Moreno Valley in 1986.

Draft SEIR

The Proposed Project has been evaluated against criteria set forth in the California Environmental Quality Act CEQA and CEQA Guidelines. A Draft Subsequent Environmental Impact Report (DSEIR) was prepared for the Proposed Project. The analysis presented in the DSEIR indicates that implementation of the Proposed Project would result in significant and unavoidable adverse impacts to Air Quality and Greenhouse Gas Emissions which are described in detail within the DSEIR. All other environmental effects evaluated in the DSEIR are considered to be less-than-significant or can be reduced to less-than-significant levels with the incorporation of the mitigation measures specified in the DSEIR. A Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program have been prepared. The Draft Subsequent Environmental Impact Report (SCH 2022040136) was circulated to the public (including interested parties/responsible agencies) for review from November 23, 2022, ending January 11, 2023.

Draft SEIR Public Comments & Responses to Comments

Eleven public written comment letters were received during the 45-day public review period. Written comments expressed concern regarding potential impacts to aesthetics, air quality, noise, and traffic, while others acknowledged the Proposed Project without providing specific comments addressing potential environmental impacts of the

Proposed Project.

Mitigation Measures

Mitigation Measures are recommended for the Proposed Project in the following areas: Air Quality, Cultural Resources, Greenhouse Gas Emissions, and Transportation. All impacts of the Proposed Project can be mitigated to less than significant levels with the exception of air quality and greenhouse gas emissions.

Statement of Overriding Considerations

Although the Mitigation Measures are recommended to reduce the level of the potential environmental impacts of the Proposed Project, after the application of all feasible mitigation measures, staff has determined that the Proposed Project would result in a few significant and unavoidable environmental effects. The following significant and unavoidable environmental impacts have been identified in the Final DSEIR and will require mitigation but cannot be mitigated to a level of insignificance: 1) Air Quality: Air Quality Management Plan Conflict; 2) Air Quality: Criteria Pollutant Emissions; and 3) Greenhouse Gas Emissions: GHG Emissions Generation. Details of these significant unavoidable adverse impacts are discussed in the Final SEIR and are summarized, or were otherwise provided in Section 6, Environmental Impacts Found to be Significant and Unavoidable, in the Statement of Facts and Findings.

Notwithstanding the above, when the City, acting as Lead Agency approves a project with significant environmental effects that will not be avoided or substantially lessened, it must adopt a statement disclosing that because of the project's overriding benefits, it is approving the project despite its environmental harm. (See *CEQA Guidelines section 15043*.) The Lead Agency must set forth the reasons for its action, based on the Final DEIR or other information in the record. (See *CEQA section 21081(b)* and *CEQA Guidelines section 15093(a)*.) This requirement reflects the statutory policy that public agencies must weigh a proposed project's benefits against its unavoidable environmental risks and may find the adverse impacts "acceptable" if the benefits outweigh those effects. (See *CEQA section 21081(b)* and *CEQA Guidelines section 15093(a)*;) In other words, a statement of overriding considerations expresses the "larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes, and the like."

In light of the foregoing, staff recommends that based on balancing the benefits of the Proposed Project against the unavoidable effects which remain, the City Council should find that any one of the following benefits standing alone would be sufficient to sustain the Statement of Overriding Considerations:

1. Approval of the Proposed Project will implement the objectives established for the Proposed Project, such as revitalizing the existing Moreno Valley Mall site; creating a long-term development plan that encourages and facilitates new uses of high quality and design; providing a mixed-use village that serves as a regional anchor to the area and draws upon the vibrancy of established neighborhoods, business, and community amenities nearby; integrating the Proposed Project into an established urban fabric and established neighborhoods; providing a mixture of uses that reduces vehicle miles traveled through internal capture of trips; facilitating private investment in the development; enabling flexibility in development while achieving community goals; providing a mixture of high-quality housing and ground level commercial uses; provide a circulation system that is responsive to the needs of multimodal travel; provide landscaping appropriate to the level of development and sensitive to the surrounding areas; establish architecture which enhances the property with timeless architectural style; provides a visually harmonious development as viewed both internally and externally; promoting a project that has an architectural language promoting the varied uses while working with the contextual and regional vernacular of southern California; and providing adequate parking including a shared parking program.
2. Approval of the Proposed Project would result in construction of new mixed-use commercial, office, and residential development and increase employment opportunities for City and area residents.
3. Approval of the Proposed Project would facilitate the City's progress toward providing additional housing and comply with state law requirements to meet Regional Housing Needs Assessment allocations, while providing housing in close proximity to retail and transit.
4. Approval of the Proposed Project proposes redevelopment in a way that is

consistent with the MoVal 2040 GP's vision for a vibrant, mixed-use town center.

5. Approval of the Proposed Project would be consistent with SCAG'S Regional Goals in the RTP/SCS and with a land use development pattern that supports and complements the proposed transportation network. The Proposed Project would add to the economic development of the region by adding new employment opportunities and creating a regional commercial hub.

NOTIFICATION

Public notice was sent to all property owners of record within 600 feet of the Project Site. Notice was provided pursuant to Government Code 65905. The public hearing notice for this Proposed Project was also posted on the Project Site and published in the local Press Enterprise newspaper.

REVIEW AGENCY COMMENTS

Staff has coordinated with outside trustee and responsible agencies where applicable, as is the standard review process with these types of development applications.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. That the Planning Commission **ADOPT** Resolution No. 2023-18, attached hereto, **AND**:
 1. **RECOMMENDING THAT THE CITY COUNCIL CERTIFY** the Final Subsequent Environmental Impact Report (FSEIR) prepared for on file with the Community Development Department, incorporated herein by this reference, which was completed in compliance with CEQA and the CEQA Guidelines, and reflects that the Planning Commission reviewed and considered the information contained in the FSEIR, and exercised its independent judgment and analysis of the Proposed Project's potential environmental impacts; and
 2. **RECOMMENDING THAT THE CITY COUNCIL ADOPT** the Mitigation Monitoring and Reporting Program prepared for the Proposed Project, which consists of Specific Plan Amendment (PEN21-0168) and Tentative Parcel Map (PEN22-0061), pursuant to CEQA and the CEQA Guidelines.
2. That the Planning Commission **ADOPT** Resolution No. 2023-16, attached hereto, **AND**:
 1. **RECOMMENDING THAT THE CITY COUNCIL APPROVE** Specific Plan Amendment (PEN21-0168) based on the Recital, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2023-16.

3. That the Planning Commission **ADOPT** Resolution No. 2023-17, attached hereto, **AND**:

1. **RECOMMENDING THAT THE CITY COUNCIL APPROVE** Tentative Parcel Map (PEN22-0061) based on the Recital, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2023-17.

Prepared by:
Catherine Lin
Principal Planner

Approved by:
Sean P. Kelleher
Acting Community Development Director

ATTACHMENTS

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

1. Resolution No. 2023-18 FSEIR
2. Exhibit A to Resolution No. 2023-18 Final Environmental Impact Report
3. Appendix 1 Draft Environmental Impact Report
4. DEIR Appendix A - Notice of Preparation
5. DEIR Appendix B - Air Quality Assessment
6. DEIR Appendix C - Health Risk Assessment
7. DEIR Appendix D - Cultural Resource Review
8. DEIR Appendix E - Greenhouse Gas Assessment
9. DEIR Appendix F - Acoustical Assessment
10. DEIR Appendix G - Traffic Impact Analysis
11. DEIR Appendix H - Water Supply Assessment
12. DEIR Appendix I - Water Study
13. DEIR Appendix J - Sewer Study
14. DEIR Appendix K - Biological Assessment
15. DEIR Appendix L - Water Quality Management Plan
16. DEIR Appendix M - Drainage Report
17. Exhibit B to Resolution No. 2023-18 MMRP
18. Exhibit C to Resolution No. 2023-18 Statement of Overriding Considerations
19. Resolution No. 2023-16 Specific Plan Amendment
20. Resolution No. 2023-17 Tentative Map
21. Specific Plan 200 TownGate Specific Plan (SP 200) Amendment
22. Tentative Parcel No. 38420
23. Zoning Map

RESOLUTION NO. 2023-18

A RESOLUTION OF THE MORENO VALLEY PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SCH 2022040136) (“FINAL SEIR”) PREPARED FOR THE MORENO VALLEY MALL REDEVELOPMENT PROJECT; ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF THE FINAL SEIR, MITIGATION MONITORING AND REPORTING PROGRAM AND STATEMENT OF OVERRIDING CONSIDERATIONS (APNS: 291-110-032, 291-110-033, 291-110-034, 291-110-035)

WHEREAS, Moreno Valley Mall Holding, LLC, (“Applicant”) has requested approval of a Specific Plan Amendment (PEN21-0168) amending The Towngate Specific Plan (SP 200) specifically: 1) Creating two subareas within PA 2: PA 2A and PA 2B, and 2) establishing standards and guidelines for further development and redevelopment of PA 2A, while PA 2B will continue to reference existing PA-2 requirements (the “Proposed Project”); and a Tentative parcel Map subdividing the Project Site, as defined herein, into 22 parcels. The Proposed Project consists of revitalization and redevelopment of a portion of the existing Moreno Valley Mall (MVM), located at 22500 Town Circle (the “Project Site”), as more fully described in the Subsequent Environmental Impact Report (SEIR), a copy of which is incorporated herein by this reference as though set forth in full; and

WHEREAS, implementation of the Proposed Project requires a Specific Plan Amendment (PEN21-0168) and Tentative Parcel Map (PEN22-0061), and subsequent ministerial permits and approvals that may be deemed necessary including, but not limited to, temporary street closure permits, grading permits, excavation permits, foundation permits, and building permits; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) (Public Res. Code, § 21000 *et seq.*) and the State CEQA Guidelines (14 CCR § 15000 *et seq.*), the City of Moreno Valley (the “City”) is the Lead Agency for the Proposed Project; and

WHEREAS, it was determined that on the basis of substantial evidence in light of the whole record before the City, the Proposed Project may have a significant impact on the environment, with such substantial evidence consisting of factual information and expert opinion but excluding speculation, unsubstantiated opinion or clearly inaccurate information; and

WHEREAS, the City issued a Notice of Preparation (“NOP”) of a Draft SEIR (SCH 2022040136) on April 27, 2022, and circulated the NOP for a period of 30 days, pursuant to sections 15082(a), 15103 and 15375 of the CEQA Guidelines, which included sending the NOP to each Responsible Agency which included, but not limited to, the Santa Ana Regional Water Quality Control Board, the Riverside County Flood Control, Water

Conservation District, and those public agencies having jurisdiction by law over natural resources affected by the Project that are held in trust for the people of the State of California which included, but not limited to, the Audubon Society, California Department of Fish and Wildlife, California Department of Transportation, and California Department of Water Resources; and

WHEREAS, the purpose of the NOP was to solicit the views of certain public agencies, including but not limited to, Responsible and Trustee Agencies regarding the scope and content of the environmental information that is germane to the statutory responsibilities of each Responsible and Trustee Agency and other public agencies in connection with the Proposed Project, pursuant to section 21080.4 of the Public Resources Code and sections 15082-15083 of the CEQA Guidelines: and

WHEREAS, a copy of the NOP was mailed to the State Office of Planning and Research and posted in the Office of the County Clerk of the County of Riverside, California, where the Proposed Project will be located, pursuant to sections 21080.4 and 21092.3 of the Public Resources Code; and

WHEREAS, a public Scoping Meeting was held on May 18, 2022, pursuant to sections 15082(c) and 15083 of the CEQA Guidelines, to familiarize the public with the Proposed Project, the environmental review process and to receive input as to the scope of the Draft SEIR and issues of community concern; and

WHEREAS, the City provided formal written notification to the Native American Tribes that have requested notice of projects within the SEIR traditionally and culturally affiliated areas pursuant to section 21080.3.1(d) of the Public Resources Code, which included the Agua Caliente Band of Cahuilla Indians, Morongo Band of Mission Indians, San Manuel Band of Mission Indians, Desert Cahuilla Indians, Soboba Band of Luiseno Indians, Rincon Band of Luiseno Indians, and Pechanga Band of Mission Indians; and

WHEREAS, both the Draft SEIR and Final SEIR contain a description of the physical environmental conditions at the Project Site and in the vicinity of the Project Site as they existed at the time the NOP was published, from both a local and a regional perspective, which served the purpose of describing the environmental setting that constitutes the "baseline" physical condition by which the City was able to determine whether any particular Proposed Project impact was significant, pursuant to section 15125(a) of the CEQA Guidelines; and

WHEREAS, both the Draft SEIR and Final SEIR contain the contents required under section 21100 of the Public Resources Code and sections 15120-15132 of the CEQA Guidelines, which include: (a) accurately describing the Proposed Project; (b) identifying and analyzing each significant environmental impact expected to result from the Proposed Project; (c) identifying mitigation measures to reduce those impacts to the extent feasible; (d) evaluating a range of reasonable alternatives to the Proposed Project; and (e) including a statement briefly indicating the reasons for determining that any effects on the environment are not significant and, thus, have not been discussed in detail; and

WHEREAS, pursuant to section 21100(b)(2) of the Public Resources Code, both the Draft SEIR and Final SEIR describe any significant effects on the environment that cannot be avoided if the Proposed Project was implemented and any significant effects on the environment that would be irreversible if the Proposed Project were implemented; and

WHEREAS, the City's CEQA analysis was performed in a manner consistent with all applicable policies, regulations, or guidance, including without limitation potential impacts on "Tribal Cultural Resources" as set forth in section 21080.3.2 of the Public Resources Code, "Transportation" as set forth in sections 21099(b)(2) of the Public Resources Code and 15064.3 of the CEQA Guidelines, "Historical and Unique Archaeological Resources" as set forth in section 15064.5 of the CEQA Guidelines, and "GHG Emissions" as set forth in sections 15064.4, 15126.4(c), 15183.5 and App G(VIII), and all other applicable policies, regulations, or guidance related to other agency approvals; and

WHEREAS, the City prepared the Draft SEIR and circulated the Draft SEIR to the public and affected public agencies for review and comment and the Final SEIR, including the comments submitted and responses to those comments, was prepared and presented to the City to be certified regarding its completeness and adequacy; and

WHEREAS, the City circulated the Draft SEIR for public review and comment for a 45 day period, commencing November 23, 2022, ending January 11, 2023; and

WHEREAS, pursuant to section 21092(b)(1) of the Public Resources Code, the Notice of Completion prepared and distributed by the City included a description of how the Draft SEIR could be obtained in electronic format; and

WHEREAS, the City responded in writing to each of the written comments received during the public review period for the Draft SEIR pursuant to sections 21091(d)(2) of the Public Resources Code and 15088 of the CEQA Guidelines; and

WHEREAS, the responses to comments provided reasoned, good faith analyses regarding all significant environmental issues raised in the DSEIR comments, as required by sections 21091(d)(2)(B) of the Public Resources Code and 15088 of the CEQA Guidelines, with a level of detail corresponding to the level of detail provided in each respective comment as described in section 15088(c) of the CEQA Guidelines; and

WHEREAS, pursuant to section 21082.4 of the Public Resources Code, in describing and evaluating the Proposed Project in the SEIR, the Lead Agency may consider specific economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of a proposed project and the negative impacts of denying the project, based on substantial evidence in light of the whole record; and

WHEREAS, pursuant to section 15126.4 of the CEQA Guidelines, if mitigation measures are required or incorporated into a project as part of the CEQA process, the Lead Agency must adopt a Mitigation Monitoring and Reporting Program to ensure

compliance with those mitigation measures, with the mitigation measures being enforceable through permit conditions, agreements, or other mechanisms; and

WHEREAS, pursuant to sections 210081 of the Public Resources Code and sections 15043 and 15093 of the CEQA Guidelines, if a Lead Agency approves a project that will have a significant impact on the environment, despite feasible mitigation measures, the Lead Agency must make an express written statement that the project's overriding benefits warrant approval of the project, that must, per section 15093 of the CEQA Guidelines, specify the reasons for the approval based on substantial evidence in the record; and

WHEREAS, pursuant to sections 21002, 21002.1 and 21091 of the Public Resources Code and sections 15021 and 15091-15093 of the CEQA Guidelines, a Statement of Overriding Considerations may include specific overriding economic, legal, social, technological, or other benefits of the project; and

WHEREAS, pursuant to sections 21092.1 of the Public Resources Code and 15088.5 of the CEQA Guidelines, if significant new information is added to an SEIR after notice of public review of the Draft SEIR, but before certification of the Final SEIR, the Lead Agency must issue a new Notice of Availability and recirculate the Draft SEIR for comments and consultation; and

WHEREAS, section 15088.5 of the CEQA Guidelines provides that new information is significant for purposes of recirculation if it shows: 1) a new, substantial environmental impact of the project or a mitigation measure; 2) substantial increase in the severity of an unmitigated environmental impact; 3) a feasible mitigation measure or alternative considerably different from those discussed in the SEIR, and the project proponent declines to adopt the measure or alternative; or 4) that the Draft SEIR was "so fundamentally and basically inadequate and conclusory in nature" that public comment was essentially meaningless (collectively, "Significant New Information"); and

WHEREAS, sections 21082.1 of the Public Resources Code and 15090 of the CEQA Guidelines provide the Lead Agency must find that the Final SEIR reflects the independent judgment of the Lead Agency; and

WHEREAS, pursuant to Section 15090(a) of the CEQA Guidelines, if the Lead Agency approves and certifies the Final SEIR, it must include a statement that it was completed in compliance with CEQA and the CEQA Guidelines and was reviewed and considered by the City Council before approval of the project; and

WHEREAS, in light of the foregoing, the Planning Commission hereby recommends that the City Council certify the Final Subsequent Environmental Impact Report for the Proposed Project.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY FINDS, DETERMINES, CONCLUDES AND RESOLVES AS FOLLOWS:

Section 1. RECITALS AND EXHIBITS

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

Section 2. EVIDENCE AND ADMINISTRATIVE RECORD

That the Planning Commission has considered all of the evidence submitted into the Administrative Record related to the Proposed Project on file with the Community Development Department, including, but not limited to, the following:

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- (c) Draft SEIR and all related notices, studies, reports, public comments and responses thereto;
- (d) Mitigation Monitoring and Reporting Program (MMRP) and the findings and determinations contained therein;
- (e) Statement of Overriding Considerations and the findings and determinations contained therein; and
- (f) Planning Commission Staff Report and all exhibits, attachments, documents, records and references related thereto and the findings and determinations contained therein;
- (g) Presentation and comments submitted at the Planning Commission Public Hearing by City staff and consultants;
- (h) Testimony and/or comments submitted at the Planning Commission Public Hearing by the Project Applicant and its representatives; and
- (i) Testimony and/or comments submitted at the Planning Commission Public Hearing by all persons that was provided in written format or correspondence, at, or prior to, the Planning Commission Public Hearing.

Section 3. NO SIGNIFICANT NEW INFORMATION

That pursuant to sections 21092.1 of the Public Resources Code and 15088.5 of the CEQA Guidelines, based on substantial evidence in the Recitals, Exhibits and Evidence contained in the Administrative Record, as set forth and described hereinabove, the Planning Commission hereby finds and determines that no "Significant New Information" was added to the Draft SEIR after the expiration of the public comment period.

Section 4. CONTENTS OF DRAFT SEIR

That pursuant to section 15132 of the CEQA Guidelines, based on substantial evidence in the Recitals, Exhibits and Evidence contained in the Administrative Record, as set forth and described hereinabove, the Planning Commission hereby finds and determines that the Draft SEIR contains any revisions made following its circulation for public review; the comments and recommendations received on the Draft SEIR; a list of

persons, organizations, and public agencies commenting on the Draft SEIR, the City's responses to significant environmental points raised in the review and consultation process, and any other information added by the City.

Section 5. CEQA COMPLIANCE

That based on substantial evidence in the Recitals, Exhibits and Evidence contained in the Administrative Record, as set forth and described hereinabove, the Planning Commission hereby recommends that the City Council approve and certify, pursuant to section 15090(a), that the Final SEIR was prepared and completed in compliance with CEQA and the CEQA Guidelines, it was presented to the City Council and was reviewed and considered by the City Council before Proposed Project approval

Section 6. INDEPENDENT JUDGMENT AND ANALYSIS

That the Planning Commission finds and determines, pursuant to sections 21082.1(c)(3) of the Public Resources Code and 15090(a)(3) of the CEQA Guidelines, that the Draft SEIR reflects the independent judgment and analysis of Planning Commission, based on substantial evidence in the Recitals, Exhibits and Evidence contained in the Administrative Record, as set forth and described hereinabove.

Section 7. APPROVAL OF MITIGATION MONITORING AND REPORTING PROGRAM

That based on substantial evidence in the Recitals, Exhibits and Evidence contained in the Administrative Record, as set forth and described hereinabove, the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit B, and the findings and supporting evidence set forth therein, the Planning Commission hereby recommends that the City Council approve the attached Mitigation Monitoring and Reporting Program, which is hereby incorporated herein by reference.

Section 8. APPROVAL OF STATEMENT OF OVERRIDING CONSIDERATIONS

That based on substantial evidence in the Recitals, Exhibits and Evidence contained in the Administrative Record, as set forth and described hereinabove, the Planning Commission hereby finds and determines that approval of the Proposed Project will result in specific economic, legal, social, technological, and other benefits, including regionwide environmental benefits as set forth in the Statement of Overriding Considerations attached hereto as Exhibit C, and the findings and supporting evidence set forth therein, and the Planning Commission hereby recommends that the City Council approve the attached Statement of Overriding Considerations, which is hereby incorporated herein by reference.

Section 9. CERTIFICATION OF FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

That based on substantial evidence in the Recitals, Exhibits and Evidence

contained in the Administrative Record, as set forth and described hereinabove, the Final SEIR as referenced in Exhibit A and the findings and supporting evidence as set forth therein, the Planning Commission hereby recommends that the City Council, pursuant to Section 15090(a), approve and certify the Final SEIR as having been completed in compliance with CEQA and the CEQA Guidelines and reviewed and considered by the City Council before approval of the Proposed Project.

Section 10. NOTICE OF DETERMINATION

That the City Council directs staff to file a Notice of Determination as required by CEQA.

Section 11. SEVERABILITY

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

Section 12. REPEAL OF CONFLICTING PROVISIONS

That all provisions of any other resolution in effect prior to the effective date of this Resolution as adopted by the Planning Commission that are in conflict with the provisions of this Resolution, are hereby repealed.

Section 13. EFFECTIVE DATE

That this Resolution shall take effect immediately upon its adoption.

Section 14. CERTIFICATION

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

PASSED AND ADOPTED THIS 27th day of April, 2023

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin DeJohnette, Chairperson

ATTEST:

Sean P. Kelleher
Acting Community Development Director

APPROVED AS TO FORM:

Steven B. Quintanilla,
Interim City Attorney

Exhibits:

Exhibit A – Final Subsequent Environmental Impact Report

Exhibit B - Mitigation Monitoring And Reporting Program

Exhibit C - Statement Of Overriding Considerations

Exhibit A

FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

Exhibit B

MITIGATION MONITORING AND REPORTING PROGRAM

Exhibit C

STATEMENT OF OVERRIDING CONSIDERATIONS

Exhibit B

MITIGATION MONITORING AND REPORTING PROGRAM



Moreno Valley Mall Redevelopment Project, Moreno Valley, CA
MITIGATION MONITORING REPORTING PROGRAM (MMRP)

Date of Compliance	Sign Off	Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
I. AESTHETICS						
		AES-1 Prior to the start of construction, the Project Applicant shall prepare a Construction Lighting and Screening Plan. The Construction Lighting and Screening Plan should indicate aesthetic and lighting treatments for all construction work areas (i.e., maximum brightness values not to be exceeded by artificial bulbs, screening around Project site to limit light and glare, use of non-reflective glass, etc.). The Plan shall identify methods used to ensure construction lighting is directional (aimed toward work areas, and not toward nearby sensitive receptors), and limited to sufficient wattage for safety and security. Construction areas visible to sensitive receptors shall be screened via curtains from public view. Construction screening materials shall be of sufficient height and appropriate color to minimize viewshed impacts, as determined appropriate by the applicable jurisdiction(s).	Project Applicant	Preparation of a Construction Lighting and Screening Plan	City of Moreno Valley Community Development Department	Prior to the start of construction
II. AIR QUALITY						
		SP-200 MM AQ-2 The Project will be integrated into the City-wide transit district plans and will provide bus stops, turn-outs, etc., as needed.	City of Moreno Valley and Riverside Transit Agency	Integration into the City-wide transit district plans	City of Moreno Valley Community Development Department and Riverside Transit Agency	Prior to the start of construction
		AQ-1 Prior to issuance of grading permits, the applicant shall prepare and submit documentation to the City of Moreno Valley that demonstrate the following: <ul style="list-style-type: none"> a. All off-road diesel-powered construction equipment greater than 50 horsepower meets California Air Resources Board Tier 4 Final off-road emissions standards or incorporate CARB Level 3 Verified Diesel Emission Control Strategy (VDECS). Requirements for Tier 4 Final equipment shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. A copy of each unit's Best Available Control Technology (BACT) documentation (certified tier specification or model year specification), and CARB or SCAQMD operating permit (if applicable) shall be provided to the City at the time of mobilization of each applicable unit of equipment. b. All on-road heavy-duty haul trucks shall be model year 2010 or newer if diesel fueled. 	Project Applicant	Preparation of documentation demonstrating Project compliance with the mitigation measure	City of Moreno Valley Community Development Department	Prior to issuance of grading permits

Attachment: Exhibit B to Resolution No. 2023-18 MMRP (6242 : Moreno Valley Mall Redevelopment



Date of Compliance	Sign Off	Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
		<ul style="list-style-type: none"> c. Construction equipment shall be properly maintained according to manufacturer specifications. All equipment maintenance records and data sheets, including design specifications and emission control tier classifications shall be kept onsite and furnished to the lead agency or other regulators upon request. d. All construction equipment and delivery vehicles shall be turned off when not in use, or limit on-site idling for no more than 5 minutes in any 1 hour. e. On-site electrical hookups to a power grid shall be provided for electric construction tools including saws, drills, and compressors, where feasible, to reduce the need for diesel powered electric generators. Construction contracts shall require all off-road equipment with a power rating below 19 kilowatts (25 horsepower) (e.g., plate compactors, pressure washers, etc.) used during project construction to be battery powered. f. Prepare a construction traffic control plan detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic. g. Provide information on transit and ridesharing programs and services to construction employees. 				
		<p>AQ-2 Low VOC Paint. The Project Applicant shall require by contract specifications commercial development to use interior and exterior architectural coatings (paint and primer including parking lot paint) products that have a volatile organic compound rating of 50 grams per liter or less. Contract specifications shall be reviewed and approved by the City of Moreno Valley prior to the issuance of occupancy permits. This measure shall be made a condition of approval for continued upkeep of the property.</p>	Project Applicant	Utilization of low VOC paint for both interior and exterior coatings and parking lots. Reviewed by the City	City of Moreno Valley Community Development Department	Prior to issuance of occupancy permits
		<p>AQ-3 Vehicle Trip Reduction. Develop a qualifying Commute Trip Reduction (CTR)/Transportation Demand Management (TDM) plan to reduce mobile GHG emissions for all uses. The TDM plan shall be approved by the City of Moreno Valley prior to the issuance of building permits and incorporated into the Project's Codes Covenants and Restrictions (CC&Rs). The TDM plan shall discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking. The following measures shall be incorporated into the TDM plan.</p>	Project Applicant	Develop a TDM plan meeting the requirements listed in the mitigation measure	City of Moreno Valley Community Development Department	Prior to the issuance of building permits

Attachment: Exhibit B to Resolution No. 2023-18 MMRP (6242 : Moreno Valley Mall Redevelopment



Date of Compliance	Sign Off	Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
		<p>TDM Requirements for Non-Residential Uses:</p> <ul style="list-style-type: none"> a. The Project Applicant shall consult with the local transit service provider on the need to provide infrastructure to connect the Project with transit services. Evidence of compliance with this requirement may include correspondence from the local transit provider(s) regarding the potential need for installing bus turnouts, shelters, or bus stops at the site. b. The portion of the TDM plan for non-residential uses shall include, but not be limited to the following potential measures: ride-matching assistance, preferential carpool parking, flexible work schedules for carpools, half-time transportation coordinators, providing a website or message board for coordinating rides, designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles, and including bicycle end of trip facilities. This list may be updated as new methods become available. Verification of this measure shall occur prior to building permit issuance for the commercial uses. <p>TDM Requirements for Residential Units:</p> <ul style="list-style-type: none"> a. Rental Units. Upon a residential dwelling being rented or offered for rent, the Project Applicant shall notify and offer to the tenant or prospective tenant, materials describing public transit, ridesharing, and nonmotorized commuting opportunities in the vicinity of the development. The materials shall be approved by the City of Moreno Valley. The materials shall be provided no later than the time the rental agreement is executed. This information shall be submitted to the City of Moreno Valley Planning Division for review and approval, prior to the issuance of the first certificate of occupancy. 				
		<p>AQ-4 Prohibition of Fireplaces. The installation of wood-burning and natural gas devices shall be prohibited. The purpose of this measure is to limit emissions of ROG, NO_x, particulate matter and visible emissions from wood-burning and natural gas devices used for primary heat, supplemental heat, or ambiance. This prohibition shall be noted on the deed and/or lease agreements for future property owners/tenants to obey.</p>	Project Applicant	Limit visible emissions from wood-burning and natural gas devices through prohibition of fireplaces	City of Moreno Valley Public Works Department	Throughout construction process
		<p>AQ-5 Electric Landscape Equipment. Prior to the issuance of occupancy permits, the Planning Division shall confirm that the Project's Codes Covenants and Restrictions (CC&Rs) and/or tenant lease agreements include contractual language that all landscaping equipment used onsite shall be 100 percent electrically powered. All residential and non-residential properties shall be</p>	Project Applicant	All landscaping equipment used onsite shall be 100 percent electrically powered is included	City of Moreno Valley Community Development Department	Prior to issuance of occupancy permits

Attachment: Exhibit B to Resolution No. 2023-18 MMRP (6242 : Moreno Valley Mall Redevelopment



Date of Compliance	Sign Off	Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
		equipped with exterior electrical outlets to accommodate this requirement. This requirement shall be included in the third-party vendor agreements for landscape services for the building owner and tenants, as applicable.		in contractual language		
		AQ-6 Low VOC Cleaning Supplies. Prior to the issuance of occupancy permits, the Planning Division shall confirm that the Project’s Codes CC&Rs and/or tenant lease agreements include contractual language that all cleaning products used in public spaces will be EPA Safer Choice certified. ¹ This requirement shall be included in the third-party vendor agreements for the building owner and tenants, as applicable.	Project Applicant	Use of EPA Safer Choice certified cleaners in public spaces included in contractual language	City of Moreno Valley Community Development Department	Prior to issuance of occupancy permits
III. CULTURAL RESOURCES						
		CUL-1 Archaeological Monitoring. Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist to conduct monitoring of all ground disturbing activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist, in consultation with the consulting tribe(s), the contractor, and the City, shall develop a CRMP as defined in MM CUL-3 . The Project archeologist shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The archaeological monitor shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed.	Developer	Conduct monitoring of all ground disturbing activities, develop a CRMP, and conduct a Cultural Resources Worker Sensitivity Training.	Professional archaeologist, consulting tribes, contractor, and City of Moreno Valley.	Prior to the issuance of a grading permit
		CUL-2 Native American Monitoring. Prior to the of a grading permit, the Developer shall secure agreements with the consulting Tribe(s) that request tribal monitoring for tribal monitoring. The City is also required to provide a minimum of 30 day’s advance notice to the tribes of all ground disturbing activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, City, the construction manager and any contractors and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.	Developer City of Moreno Valley Native American Monitor(s)	Secure agreements with consulting Tribe(s). Provide 30 days’ notice to tribes Attend pre-grading meeting and conduct Tribal Perspective of the Cultural Resources Worker Sensitivity Training	The City of Moreno Valley Community Development Department	Prior to the issuance of a grading permit

¹ EPA manages the Safer Choice Program which certifies products that contain safer ingredients for human health and the environment. <https://www.epa.gov/saferchoice/products>



Date of Compliance	Sign Off	Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
		<p>CUL-3 Cultural Resource Monitoring Plan (CRMP). The Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a CRMP in consultation pursuant to the definition of AB 52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting Tribe is defined as a Tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB 52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB 52. Details in the Plan shall include:</p> <ul style="list-style-type: none"> a. Project description and location b. Project grading and development scheduling c. Roles and responsibilities of individuals on the Project d. The pre-grading meeting and Cultural Resources worker Sensitivity Training details. e. The protocols and stipulations that the contractor, City, Consulting Tribe (s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation. f. The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items. g. Contact information of relevant individuals for the Project 	Project Archaeologist	Develop a CRMP pursuant to AB 52	The City of Moreno Valley Community Development Department	Prior to any ground disturbing activities
		<p>CUL-4 Cultural Resource Disposition. In the event that Native American cultural resources are discovered during the course of ground disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <ul style="list-style-type: none"> a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department: <ul style="list-style-type: none"> i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources. 	Project Applicant	Follow guided list in mitigation measures if Native American cultural resources are discovered	City of Moreno Valley Community Development Department	During ground disturbing activities

Attachment: Exhibit B to Resolution No. 2023-18 MMRP (6242 : Moreno Valley Mall Redevelopment



Date of Compliance	Sign Off	Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
		ii. Onsite reburial of the discovered items as detailed in the treatment plan required pursuant to Mitigation Measure CR-1. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments as defined in CR-3. The location for the future reburial area shall be identified on a confidential exhibit on file with the City, and concurred to by the Consulting Native American Tribal Governments prior to certification of the environmental document.				
		CUL-5 The City shall verify that the following note is included on the Grading Plan: “If any suspected archaeological resources are discovered during ground-disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find.”	City of Moreno Valley	Ensure the note provided in the mitigation measure is included on the Grading Plan	City of Moreno Valley Community Development Department	Prior to the issuance of a grading permit
		CUL-6 Inadvertent Finds. If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to Project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resources must cease immediately and a qualified person meeting the Secretary of Interior’s standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional archeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all Consulting Native American Tribes as defined in CR-2 before any further work commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in	Project Applicant	Consult qualified person, tribal representatives, and all site monitors per the mitigation measures if cultural resources are uncovered that were not assessed.	Qualified person meeting the Secretary of Interior’s standards	During excavation or construction activities

Attachment: Exhibit B to Resolution No. 2023-18 MMRP (6242 : Moreno Valley Mall Redevelopment



Date of Compliance	Sign Off	Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
		consultation with the Tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.				
		CUL-7 Human Remains. If human remains are discovered, no further disturbances shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the “most likely descendant.” The “most likely descendant” shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).	Project Applicant	Contact County Coroner if human remains are discovered and contact California Native American Heritage Commission	County Coroner, California Native American Heritage Commission	During ground disturbing activities
		CUL-8 Non-Disclosure of Reburial Locations. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r)., parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).	County Coroner City of Moreno Valley	Non-Disclosure of Reburial Locations	County Coroner City of Moreno Valley	During ground disturbing activities
		CUL-9 Archeology Report – Phase III and IV. Prior to final inspection, the developer/permit holder shall prompt the Project Archeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).	Developer Project Archaeologist	Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report preparation	City of Moreno Valley Community Development Department	Prior to final inspection
IV. GREENHOUSE GAS EMISSIONS						
		GHG-1 Prior to the issuance of a building permit, the Project Applicant shall provide documentation to the City of Moreno Valley demonstrating that the new development portions of the Project, excluding existing retail spaces, (upon buildout) will meet or exceed 2019 CALGreen Tier 2 standards in order to exceed 2019 Title 24 energy efficiency standards by a minimum of 20 percent. In	Project Applicant	Provide documentation demonstrating Project compliance to the mitigation measure	City of Moreno Valley Community Development Department	Prior to the issuance of building permits



Date of Compliance	Sign Off	Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
		addition, the Project shall demonstrate additional measures to reduce overall on-site energy consumption by 20 percent, such as: 1) install solar photovoltaic (PV) panels or other source of renewable energy generation on-site; or 2) otherwise acquire energy from the local utility that has been generated by renewable sources (for example, Southern California Edison Green Rate).				
		GHG-2 For residential projects, all major appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, and water heaters) provided/installed shall be Energy Star certified or of equivalent energy efficiency where applicable. These appliances must be included on the building plans and specifications and verified by the City's Building and Safety Division during plan check and prior to the issuance of the Certificate of Occupancy.	Project Applicant	Ensuring all appliances are Energy Star certified	City of Moreno Valley Building and Safety Division	Prior to the issuance of the Certificate of Occupancy
		GHG-3 The development shall divert a minimum of 75 percent of landfill waste. Prior to issuance of certificate of occupancy, a recyclables collection and load area shall be constructed in compliance with City standards for recyclable collection and loading areas.	Project Applicant	Construct a recyclables collection and load area and divert landfill waste	City of Moreno Valley Public Works Department	Prior to issuance of certificate of occupancy
VII. TRANSPORTATION						
		SP-200 TRA-1 Construct all streets internal to the project to full ultimate cross-sections as Project development occurs and according to all applicable state and City of Moreno Valley Standards. Construction of new driveways shall be reviewed and approved by the City of Moreno Valley's Public Works prior to construction.	Project Applicant	Construct all streets internal to the project according to City standards	City of Moreno Valley Public Works Department	Prior to construction

Exhibit C

STATEMENT OF OVERRIDING CONSIDERATIONS

MORENO VALLEY MALL REDEVELOPMENT PROJECT

Findings

SCH No. 2022040136

Lead Agency



City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

Prepared By

Kimley»»Horn

Kimley-Horn and Associates, Inc.
Kevin Thomas, Project Manager
3801 University Avenue, Suite 300
Riverside, CA 92501

April 2023

Section 1: Introduction

This statement of Findings of Fact (Findings) addresses the environmental effects associated with the proposed Moreno Valley Mall Redevelopment Project (Project), as described in the Final Subsequent Environmental Impact Report (Final SEIR). These Findings are made pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] §21000 et seq.), specifically PRC §§21081, 21081.5, and 21081.6, and the CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.), specifically §§15091 and 15093. The Final SEIR examines the full range of potential effects of construction and operation of the Project and identifies mitigation measures that will be employed to reduce, minimize, or avoid those potential effects.

In accordance with, and in furtherance of the mandates contained in California Public Resources Code Section 21002 and related case law, the Project design reflects the identification and implementation of feasible mitigation measures to lessen identified environmental impacts, and the Final SEIR presented includes information on the environmental effects of the Project, including effects that are mitigated and those that, despite the inclusion of feasible mitigation measures, remain significant and unavoidable.

1.1 Purpose

PRC §21081, and CEQA Guidelines §15091 require that the lead agency, in this case the City of Moreno Valley (City), prepare written findings for identified significant effects, accompanied by a brief explanation of the rationale for each finding. PRC §21081(a) affirmatively requires a lead agency make one or more of three possible findings in reference to each significant impact. In addition, PRC §21081(b) requires an additional finding for impacts that include specific economic, legal, social, technological, and other considerations wherein the lead agency affirms that the project benefits outweigh the environmental impacts.

CEQA Guidelines §15091 states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with PRC §21081, and CEQA Guidelines §15093 (Statement of Overriding Conditions [SOC]), whenever significant effects cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt an SOC, pursuant to the CEQA Guidelines.

Section 15093 of the CEQA Guidelines provides:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final SEIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final SEIR identified potentially significant effects that could result from the Project. The City finds that the inclusion of feasible mitigation measures as part of the approval of the Project will reduce all of those effects to less-than-significant levels.

As required by CEQA, the City, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the Project. The City finds that the MMRP, which is attached hereto as **Exhibit A, Mitigation Monitoring Reporting Program** and made a part of these Findings, meets the requirements of PRC §21081.6, by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the Project.

In accordance with the CEQA Statutes and Guidelines, the City adopts these Findings for the Project. Pursuant to PRC §21082.1(c)(3), the City also finds that these Findings reflect the City's independent judgment as the lead agency for the Project (see Findings **Section 1.4, CEQA Findings of Independent Judgment, Review and Analysis**).

1.2 Records of Proceedings

For the purposes of CEQA and these Findings, the record of proceedings for the Project includes all data and materials outlined in PRC §21167.6(e), along with other Project-relevant information contained within the City's files. Specifically, the record of proceedings for the City's decision on the Project includes the following documents, all of which are incorporated by reference and are relied on in supporting these Findings:

- The Notice of Preparation (NOP), Recirculated NOP, Notice of Availability (NOA), and all other public notices issued by the City in conjunction with the Project
- All written comments submitted by agencies, organizations, or members of the public during the public review comment period on the NOP
- The Draft SEIR for the Project and all technical appendices, technical memoranda and documents relied upon or incorporated by reference
- All written comments submitted by agencies, organizations, or members of the public during the public review comment period on the Draft SEIR and the City's responses to those comments, including related referenced technical materials and Draft SEIR errata
- The Final SEIR for the Project
- The MMRP for the Project
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project
- All documents submitted to the City by other public agencies or members of the public in connection with the Draft SEIR
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings
- All resolutions adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations
- Any documents expressly cited in these Findings, in addition to those cited above, and any other materials required for the record of proceedings by PRC §21167.6(e)
- All documents incorporated by reference in the Draft SEIR, including without limitation, the documents listed in Section 2.7 of the Draft SEIR

1.3 Custodian and Location of Records

The documents and other materials that, as a whole, make up the Record of Proceedings for the City's actions related to the Project are located at the City of Moreno Valley, Planning Department, 14177 Frederick Street, Moreno Valley, California 92553. The City, as the lead agency for the Project, is the custodian of the Record of Proceedings for the Project.

1.4 CEQA Findings of Independent Judgment, Review and Analysis

Under CEQA, the lead agency must (1) independently review and analyze the EIR; (2) circulate draft documents that reflect its independent judgment; (3) as part of the certification of an EIR, find that the report or declaration reflects the independent judgment of the lead agency; and (4) submit copies of the documents to the State Clearinghouse if there is state agency involvement or if the project is of statewide, regional, or area-wide significance (PRC §21082.1[c]).

The Findings contained in this document reflect the City's conclusions, as required pursuant to CEQA, for the Project. The Final SEIR was presented to the City's decision-making bodies, which reviewed and consider the information in the Final SEIR before approving the Project. The City's decision-making bodies have independently reviewed and analyzed the EIR. The City's decision-making bodies have exercised independent judgment, in accordance with PRC §21082.1(c)(3), in the preparation and adoption of the EIR. The review, analysis and revision material prepared by the Project Applicant and its consultants, and the review, analysis, and revision of the EIR is based on comments received during the public comment process.

Having received, reviewed, and considered the information in the Final SEIR, as well as any and all other information in the record, the City hereby makes these Findings pursuant to and in accordance with PRC §§21081, 21081.5, and 21081.6.

1.5 Preparation of the EIR.

The City prepared an Initial Study to determine whether an environmental impact report ("EIR") or a negative declaration should be prepared for the Project. The Initial Study indicated that the Project could have significant adverse environmental impacts, and the City accordingly determined that an environmental impact report was necessary. A Notice of Preparation of a draft environmental impact report was prepared and circulated to various state agencies and to any person who had filed a written request for notices with the City.

The draft supplemental environmental impact report ("Draft SEIR") was prepared by the City pursuant to the Initial Study and Notice of Preparation. The Draft SEIR was published for public review and comment on November 27, 2022, and was filed with the State Office of Planning & Research under State Clearinghouse No. 2022040136. The Draft EIR was available for review and comment by concerned citizens and public agencies for a period of 45 days; the review and comment period expired on January 11, 2023.

The City prepared written responses to comments received during the comment period. The comments and responses were published and made available to responding agencies on April 14, 2022, in a document entitled Responses to Comments which together with the Draft SEIR, constitute the Final Supplemental Environmental Impact Report (the "Final SEIR"). The Final SEIR was submitted to the City Council with a recommendation by staff that it be certified.

Section 2: General CEQA Findings

Pursuant to PRC §21081 and CEQA Guidelines §15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which mitigates 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 consideration, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. (The concept of infeasibility also encompasses whether a particular alternative or mitigation measure promotes the Project's underlying goals and objectives, and whether an alternative or mitigation measure is impractical or undesirable from a policy standpoint. See, *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957; *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410).

The City has made one or more of the required written findings for each significant impact associated with the Project. Those written findings, along with a presentation of facts in support of each of the written findings, are presented below. The City certifies these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed.

The mitigation measures adopted as part of the Project are feasible and mitigate the environmental impacts to the maximum extent feasible and possible as discussed in the findings made below. The Final SEIR includes minor clarifications to the Draft SEIR. These changes made to the Draft SEIR are shown in the Final SEIR in response to individual comments and are shown in ~~strikethrough~~ and underline text. Changes to mitigation measure, as shown in the Final SEIR Errata and MMRP, are also shown below in ~~strikethrough~~ and underline text.

Thus, it is the finding of the City that such clarifying changes as described in the Final SEIR, do not present any new, significant information requiring recirculation or additional environmental review under PRC §21092.1 and CEQA Guidelines §15088.5.

A Mitigation Monitoring and Reporting Program ("MMRP") for the Project has been adopted pursuant to the requirements of PRC §21081.6 to ensure implementation of the adopted mitigation measures to reduce significant effects on the environment and is included in the Final SEIR document. The MMRP is attached to these Findings as **Exhibit A**. The City is the custodian of the documents and other material

that constitute the record of the proceedings upon which certification of the Final SEIR for the Project is based, as described above in **Section 1.3, Custodian and Location of Records**.

It is the finding of the City of Moreno Valley's City Council that the Final SEIR, as presented for review and approval, fulfills environmental review requirements for the Project, and that the document constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA, and reflects the independent judgment of the City.

Section 3: Environmental Impacts Found to Have No Impact

For the following significance thresholds, the City finds that, based upon substantial evidence in the record, the proposed Project would have no impact; therefore, no mitigation is required, and no significant, unavoidable adverse impacts would occur.

Aesthetics

Impact 4.1-2: *Would the Project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?*

Basis for Conclusion: Currently, the site is fully developed and does not contain any structures which have a formal historic designation. Trees that exist on the Project site are present as a result of landscaping of the existing development. These trees are ornamental in nature and any loss of ornamental trees through redevelopment of the Project site would be offset by landscaping currently envisioned in the SPA and consistent with the Moreno Valley Municipal Code (MC) requirements for tree replacement. Additionally, the Project site does not contain any rock outcroppings.

There are no state scenic highways that traverse the Project site or are located in its vicinity. The nearest state-eligible highways are SR-38 (from I-10 in Redlands to SR-18 near Fawnskin), approximately 9.8 miles to the northeast in Redlands and SR-74 (from I-5 in San Juan Capistrano to SR-111 in Palm Desert) approximately 11 miles to the south in Perris. The nearest officially designated highway is SR-243 (from SR-74 to the Banning City limit) approximately 23 miles to the east of the Project site. Due to distance and topography, the Project is not visible from these highways.¹ Given the distance between the proposed Project Site and the nearest officially designated state scenic highways, the proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. Therefore, no impacts to scenic resources would be anticipated under the Project or Alternate Project.

Supportive Evidence: Please refer to Draft SEIR pages 4.1-11 through 4.1-12.

Agriculture and Forestry Services

Impact 7.2-1: *Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

Impact 7.2-2: *Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Impact 7.3-3: *Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public*

¹ California Department of Transportation (2021). *California State Scenic Highway System Map*. Available at <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>. Accessed December 20, 2021.

Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

Impact 7.3-4: Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

Basis for Conclusion: The Project site is currently developed with the Moreno Valley Mall and paved surface parking. No agricultural or forestry resources exist on or adjacent to the Project site. According to the California Department of Conservation's California Important Farmland Finder, the proposed Project site does not contain Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance.² The Project site and the adjacent land use are designated as "Urban and Built-Up Land". Furthermore, the Project site is not subject to the Williamson Act Contract.³ The site is currently zoned as mixed-use community overlay which allows for commercial, office, and multi-family residential uses. As a result, the Project does not conflict with existing zoning of timberland as forestry resources which are not present on or adjacent to the Project site.⁴ There are no impacts associated with agricultural uses, Williamson Act contracts, or related to the loss of farmland. No impact would occur and no mitigation is necessary.

Supportive Evidence: Please refer to Draft SEIR pages 7-1 through 7-2.

Biological Resources

Impact 7.3-1: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Basis for Conclusion: The Project site is fully developed and heavily disturbed, aside from a small 1.4-acre site (study area) located in the northwestern portion of the Project site. As such, it does not contain any established or historical biological resources that would provide suitable habitat for candidate, sensitive, and/or special status species. According to the results of the biological technical memorandum that was prepared on February 10, 2022, the study area is characterized by low plant diversity, lack of shrubs and trees, and very low biological habitat value due to the adjacency of the mall development and State Route 60 (SR-60).⁵ Therefore, no further biological surveys are necessary, and the study area is not likely to be impacted as a result of the proposed Project. No impact would occur.

Supportive Evidence: Please refer to Draft SEIR pages 7-2 through 7-3.

² California Department of Conservation (2016). *California Important Farmland Finder*. Available at <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed January 12, 2022.

³ California Department of Conservation (2016). *State of California Williamson Act Contract Land*. (Map). Available at [https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/\(E\)%20Initial%20Study/Initial%20Study/Attachment%20B%20References/California%20Department%20of%20Conservation%20Williamson%20Map%202016.pdf](https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/(E)%20Initial%20Study/Initial%20Study/Attachment%20B%20References/California%20Department%20of%20Conservation%20Williamson%20Map%202016.pdf). Accessed January 18, 2022.

⁴ City of Moreno Valley (2021). *Zoning Map*. Available at <https://www.morenovalleybusiness.com/wp-content/uploads/2021/06/CityZoningMap.pdf>. Accessed January 13, 2022.

⁵ SWCA (2022). Technical Memorandum: Biological Assessment of One Parcel, pages 3-4.

Impact 7.3-2 *Would the Project 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?*

Basis for Conclusion: The Project site is currently developed with the Moreno Valley Mall and paved surface parking. Furthermore, riparian habitat is not present on the Project site nor are sensitive natural communities listed in both local and regional plans, policies, or regulations or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS). No impacts to existing riparian habitat or sensitive natural communities would occur as a result of the Project, and no mitigation is necessary.

Supportive Evidence: Please refer to Draft SEIR page 7-3.

Impact 7.3-3: *Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Basis for Conclusion: According to the USFWS National Wetlands Inventory Online Mapper, the Project site does not include federally protected wetlands.⁶ The disturbed nature of the site furthermore precludes it from impacting hydrological processes on-site. Therefore, the Project would not impact any jurisdictional waters, including federally protected wetlands such as marshes, vernal pools, or coastal areas. No mitigation is necessary.

Supportive Evidence: Please refer to Draft SEIR page 7-3.

Impact 7.3-4: *Would the Project 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 native wildlife nursery sites?*

Basis for Conclusion: The Project site is surrounded by urban development, such as paved roads, commercial, and residential development, and the Moreno Valley Freeway (SR-60). The Project area is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) that identifies core linkages for wildlife movement. For the Project area, no existing or proposed core linkages are identified.⁷ Due to the urbanized nature of the site, no migratory corridors exist or would be affected by the Project. Therefore, there are no impacts to established native wildlife or migratory corridors.

Supportive Evidence: Please refer to Draft SEIR page 7-3.

⁶ National Wetlands Inventory (2021). *Wetlands Mapper*; City of Moreno Valley. Available at <https://www.fws.gov/wetlands/Data/Mapper.html>. Accessed January 13, 2022.

⁷ County of Riverside Transportation and Lands Management Agency (2003). *Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP); Schematic Cores and Linkages Map*. Available at https://www.wrc-rca.org/Permit_Docs/MSHCP/MSHCP-Volume%201.pdf. Accessed January 13, 2022.

Impact 7.3-5: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Basis for Conclusion: The Project site contains no historical, native plant communities. Existing vegetation is limited to landscaped non-native trees and ornamental plants that are not protected under any municipal or regional conservation policies. Furthermore, the Project site is fully developed and does not contain biological resources. As such, no impacts would occur.

Supportive Evidence: Please refer to Draft SEIR page 7-4.

Impact 7.3-6: Would the Project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?

Basis for Conclusion: The City of Moreno Valley is included in the Western Riverside County MSHCP. Under this plan, the Project site is designated as ‘developed, disturbed land’ that does not contain any vegetation communities. The Project site and its surrounding areas are not a focus for conservation under this regional plan, and therefore would not conflict with the adopted conservation areas.⁸ Therefore, no impact to local, regional, or State habitat conservation plans would occur.

Supportive Evidence: Please refer to Draft SEIR page 7-4.

Cultural Resources**Impact 4.3-1: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?**

Basis for Conclusion: The Project site and its neighbors are not listed by the State Historical Resources Commission in the CRHR pursuant to § 15064.5. Additionally, the Project site does not contain historic structures listed on the Moreno Valley Historic Resource Inventory nor does it contain any recommended eligible NRHP sites, historical points of interest, or other significant historical resources – according to the Moreno Valley 2040 General Plan (MoVal 2040 GP) Final SEIR.⁹ The Project is not eligible for listing in the CRHR, nor is there a possibility of it being determined as a historical resource. The Moreno Valley Mall, itself, was developed in 1992 and is less than 50 years old, making it significantly younger than the 50-year historic-age designation. The Project would, therefore, not have an effect that may cause a substantial adverse change in the significance of an historical resource, and there is no impact.

Supportive Evidence: Please refer to Draft SEIR pages 4.3-10 through 4.3-11.

⁸ County of Riverside Transportation and Lands Management Agency (2003). *Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)*. Available at https://www.wrc-rca.org/Permit_Docs/MSHCP/MSHCP-Volume%201.pdf. Accessed January 13, 2022.

⁹ City of Moreno Valley (2021). *Final Environmental Impact Report for the MOVAL 2040; Figure 4.5-1*. Available at http://www.moval.org/cdd/documents/general-plan-update/final-docs/Moval%202040_Final%20EIR_with%20RTCs.pdf. Accessed January 13, 2022.

Hazards and Hazardous Materials

Impact 7.6-4: *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Basis for Conclusion: According to the City of Moreno Valley's Local Hazard Mitigation Plan (LHMP) and the DTSC Cortese List, the Project site is not located within a hazardous material zone and is not included on a hazardous site list compiled pursuant to California Government Code §64962.5.¹⁰ As a result, the Project would not create a significant hazard to the public or the environment, and no impact is anticipated.

Supportive Evidence: Please refer to Draft SEIR page 7-9.

Impact 7.7-5: *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

Basis for Conclusion: The Project site is not located near to a public airport or public use airport. However, the March Air Reserve Base – the nearest non-public use airport – is located approximately 2.8 miles south of the Project site. According to the March Air Reserve Base Airport Land Use Compatibility Plan (ALUCP), the Project site lies within 'Zone E,' a low-risk and low-noise zone that is within outer or occasionally used portions of flight corridors. This compatibility designation is not accompanied by development conditions that would be applicable to the Project. Given these considerations, the Project would not result in a safety hazard or excessive noise for the new residents or employees within the Project area. Therefore, no impact would occur.

Supportive Evidence: Please refer to Draft SEIR pages 7-9 through 7-10.

Impact 7.6-7: *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

Basis for Conclusion: The Project site is not located in a Very High Fire Hazard Severity Zone (VHFHSZ), nor is it neighboring a wildland urban interface, and therefore the Project would not create a risk of loss, injury or death involving wildland fires.^{11,12} Thus, no impacts are anticipated, and no mitigation is required.

¹⁰ City of Moreno Valley (2017). *Local Hazard Mitigation Plan*. Available at https://www.moval.org/city_hall/departments/fire/pdfs/haz-mit-plan.pdf. Accessed January 13, 2022.

¹¹ City of Moreno Valley (2021). *Final Environmental Impact Report for the MoVal 2040; Figure 4.18-1 California Fire Hazard Severity Zone*. Available at http://www.moval.org/cdd/documents/general-plan-update/final-docs/Moval%202040_Final%20EIR_with%20RTCs.pdf. Accessed January 13, 2022.

¹² California Department of Forestry and Fire Protection (2022). *California Fire Hazard Severity Zone Viewer*. Available at <https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414>. Accessed January 12, 2022.

Supportive Evidence: Please refer to Draft SEIR page 7-10.

Hydrology and Water Quality

Impact 7.7-7: *Would the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Basis for Conclusion: The Pacific Ocean is located approximately 40 miles from the Project site. Due to the distance to the Pacific Ocean and the presence of the Santa Ana Mountains between the Pacific Ocean and the Project site, there is no potential for the site to be impacted by a tsunami. Additionally, surface water flow at the Project site is generally via sheet flow in a southwesterly direction. The Project site is not in any mapped dam inundation hazard zone. Furthermore, the Project site is not downstream of large bodies of water or tanks which potentially could cause flooding and inundate the Project site. The risk of seiche damage following a seismic event at the Project site is considered low. Therefore, there would be no impact from tsunami or seiche zones and no mitigation is necessary.

Supportive Evidence: Please refer to Draft SEIR page 7-16.

Land Use and Planning

Impact 4.5-1: *Would the project physically divide an established community?*

Basis for Conclusion: The Project would not result in the physical division of an established community because the existing Moreno Valley Mall does not constitute a 'community.' The proposed SPA is consistent with the overall development vision of the MoVal 2040 GP, and the Project maintains some of the existing commercial uses and would improve cohesion with the neighboring commercial uses. The Project does not propose the construction or alteration of roads or pathways that would disrupt the southerly adjacent residential uses. Because implementation of the Project would not physically divide an established community, there would be no impact and no mitigation is necessary.

Supportive Evidence: Please refer to Draft SEIR pages 4.5-7 through 4.5-8.

Mineral Resources

Impact 7.8-1: *Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

Impact 7.8-2: *Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

Basis for Conclusion: The Project site, and the majority of the surrounding areas, is within a designated Mineral Resource Zone MRZ-3, which is defined as areas where the significance of mineral deposits cannot

be evaluated from available data.¹³ Significant impacts related to mineral resources would occur if the Project would result in the loss of availability of a known, valuable mineral resource or of a locally important mineral resource site. The Project site does not contain any local mineral resource sites and the development would not result in the loss of identified regional or local mineral resources, conversion of an identified mineral resource use, or conflict with existing mineral resource extraction activities. The Project site is currently developed, and the proposed site plans do not propose additional mining operations, the Project would not affect locally important mineral resources recovery sites. Therefore, the Project would not cause loss of mineral resources resulting in no impact with no mitigation necessary.

Supportive Evidence: Please refer to Draft SEIR page 7-17.

Population and Housing

Impact 7.9-2: *Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

Basis for Conclusion: The Project site consists of the existing Moreno Valley Mall (excluding the JC Penney and Macy's parcels). Under the existing SP-200, the entirety of the existing Moreno Valley Mall area was proposed for Regional Mixed Use Commercial uses. The Regional Mixed Use Commercial land use would allow freeway-related retail, office parks, research and development parks and other office and commercial uses. This Project would include a Specific Plan Amendment that would modify and supersede SP-200 to allow the development of the Project's proposed multi-family residential uses on the existing Project site. Therefore, the Project would not displace substantial numbers of existing people or housing. No impact would occur, and no mitigation is necessary.

Supportive Evidence: Please refer to Draft SEIR page 7-18.

Wildfire

Impact 7.13-1: *Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?*

Impact 7.13-2: *Would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

Impact 7.13-3: *Would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that*

¹³ City of Moreno Valley (2021). *Moreno Valley Comprehensive General Plan Update Draft EIR; Figure 4.12-1 Mineral Resource Zones*. Available at <https://www.moval.org/cdd/documents/general-plan-update/draft-docs/Moval-2040-Draft-EIR.pdf>. Accessed January 12, 2022.

may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Impact 7.13-4: *Would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Basis for Conclusion: According to the California Department of Forestry and Fire Protection, the Project site is not within or in proximity to a VHFHSZ, nor is it within a State Responsibility Area (SRA).¹⁴ The Project site is located within a Local Responsibility Area (LRA) and currently receives fire protection services from the Moreno Valley Fire Department (MVFD). Furthermore, compliance with General Plan policies would ensure that the Project would not impair an adopted emergency response plan or emergency evacuation plan. Therefore, there is no impact.

Supportive Evidence: Please refer to Draft SEIR page 7-24.

Impact 7.13-6: *Would the proposed project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Basis for Conclusion: The Project concerns the redevelopment of an existing development in heavily urbanized surroundings. The Project site is relatively flat and would not implement additional grading that would potentially result in a significant downslope or downstream. Therefore, the potential exposure of people or structures to flooding or landslides from post-fire slope instability would not increase due to project implementation. Additionally, adherence to City policy regarding stormwater and building runoff (Municipal Code § 8.10) would manage potential changes to existing site drainage due the construction of new buildings. Therefore, there would not be any anticipated impacts and no mitigation is necessary.

Supportive Evidence: Please refer to Draft SEIR page 7-25.

¹⁴ State of California (2022). *California Fire Hazard Severity Zone Viewer*. Available at <https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414>. Accessed January 12, 2022.

Section 4: Environmental Impacts Found to be Less Than Significant (No Mitigation Required)

For the following significance thresholds, the City finds that, based upon substantial evidence in the record, the proposed Project would have a less than significant impact; therefore, no mitigation is required, and no significant, unavoidable adverse impacts would occur.

Aesthetics

Impact 4.1-1: *Would the Project have a substantial adverse effect on a scenic vista?*

Basis of Conclusion: Scenic resources identified in the MoVal 2040 GP include the Box Springs Mountains, Mount Russell foothills, Moreno Peak, Moreno Valley, Badlands, San Jacinto Valley, Mystic Lake, San Bernardino Mountains, and San Gabriel Mountains.

Views north from Town Circle and Heritage Way would be partially obstructed; however, the Project would be sited and designed such that there would be sightlines between proposed buildings. New structures are primarily located within the eastern portion of the site, and in the northwest portion of the site adjacent to SR-60. These multi-family residential buildings and hotels would be subject to the proposed SPA Design Guidelines and Development Standards, as well as the City of Moreno Valley MC in regard to setbacks and walls/fencing. However, as previously discussed, the previously approved SP-200 did not include building height restrictions within PA 2, so the Project would be compliant with the Specific Plan and its development standards. The Project is seeking review and approval of a maximum building height of 80 ft from the Federal Aviation Administration (FAA) through the Riverside County Airport Land Use Commission (RCALUC). Due to the planned sightlines throughout the Project, and due to compliance with design guidelines and development standards of the SPA, impacts would be less than significant.

Supportive Evidence: Please refer to Draft SEIR pages 4.1-9 through 4.1-11.

Impact 4.1-3: *Would the Project, in non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Basis of Conclusion: The Project is in an “urbanized area” pursuant to the definition of CEQA Statutes § 21071, which defines an urbanized area as an incorporated city that has a population of at least 100,000 persons. During construction, there will be short-term disturbances to the visual character of the Project site and surrounding area due to the presence of construction machines and activity, including soil stockpiles present on the norther parking lot of the Project site. However, this impact will be temporary in nature and will only occur during that portion of the grading plan. As such, a less than significant impact is anticipated.

Developments within the SPA area would comply with all lighting development regulations within the SPA. Where the SPA does not provide specificity, the City of Moreno Valley's Municipal Code would govern. In addition to the Project being consistent with zoning requirements and regulation guidelines that apply to aesthetic and visual resources, the new development and renovations of existing structures would be completed with modern architecture and aesthetically pleasing ornamentation of building facades. With the area's design standards being incorporated to ensure full compliance with the City's development code, the minimization of any negative impacts due to aesthetics or light and glare policies, and the employment of modern aesthetically pleasing architecture, the Project would comply with any applicable regulation regarding scenic quality and a less than significant impact is expected.

Supportive Evidence: Please refer to Draft SEIR pages 4.1-12 through 4.1-15.

Air Quality

Impact 4.2-4: *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Basis for Conclusion: Odors that could be generated by construction activities are required to follow South Coast Air Quality Management District (SCAQMD) Rule 402 to prevent odor nuisances on sensitive land uses. During construction, emissions from construction equipment, such as diesel exhaust, and volatile organic compounds from architectural coatings and paving activities may generate odors. However, these odors would be temporary, are not expected to affect a substantial number of people and would disperse rapidly. Therefore, impacts related to odors associated with the Project's construction-related activities would be less than significant.

The SCAQMD CEQA Air Quality Handbook identifies certain land uses as sources of odors. These land uses include agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. The Project would not include any of the land uses that have been identified by the SCAQMD as odor sources. Therefore, the Project would not create objectionable odors.

Supportive Evidence: Please refer to Draft SEIR page 4.2-39 through 4.2-40.

Cultural Resources

Impact 4.3-3: *Would the Project disturb any human remains, including those interred outside of formal cemeteries?*

Basis for Conclusion: The MoVal 2040 Final SEIR confirms, via a citywide Eastern Information Center record search, that there are no formal cemeteries or other resources that are known to possess human remains throughout the City. Because the Project site is fully developed, it is unlikely to disturb any unknown human remains. However, the potential for the accidental discovery of human remains is possible. If human remains are unintentionally disturbed during construction activities, implementation of the procedures set forth in PRC § 5097.98 and California State Health and Safety Code (HSC) § 7050.5

would be implemented in consultation with the Most Likely Descendent (MLD) as identified by the Native American Heritage Commission (NAHC). California State HSC § 7050.5 dictates that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC § 5097.98. If the remains are determined by the County Coroner to be Native American, the NAHC shall be notified within 24 hours. The NAHC shall identify the MLD with whom consultation shall occur to determine in the treatment and disposition of the remains. With compliance to California State HSC § 7050.5, as stated above, impacts associated with the potential disturbance of human remains would be less than significant.

Supportive Evidence: Please refer to Draft SEIR pages 4.3-15.

Energy

Impact 7.4-1: *Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?*

Basis for Conclusion: The Project would not result in wasteful, inefficient or unnecessary consumption of energy during Project construction or operation. The Project would comply with all applicable energy conservation requirements. Project construction and operation would be typical for an urban retail shopping center, which is financially incentivized to reduce energy demand due to associated reductions in project operating costs.

The MoVal 2040 Final SEIR, in conjunction with the Climate Action Plan (CAP), addressed the potential for wasteful, inefficient, or unnecessary consumption of energy resources or to conflict with applicable plans for renewable energy and energy efficiency. The MoVal 2040 Final SEIR determined that, in addition to the energy efficiencies that would be realized from compliance with current CALGreen and Title 24 standards in new and re-developments, the MoVal 2040 GP would promote energy conservation through voluntary programs that provide energy-efficiency audits, retrofits, rebates, and other financing programs and incentives. Additionally, the CAP includes a number of GHG reduction goals related to energy use and energy conservation. Therefore, the MoVal 2040 GP would not create a land use pattern that would result in a wasteful, inefficient, or unnecessary use of building-related energy.¹⁵ Because the redevelopment of the Moreno Valley Mall is specifically accounted for in the MoVal 2040 GP and would meet GP goals for mixed use development and transit improvements, impacts relating to inefficient energy use as a result of the proposed redevelopment Project would be less than significant and no mitigation is necessary.

Supportive Evidence: Please refer to Draft SEIR pages 7-4 through 7-5.

¹⁵ City of Moreno Valley (2021). Final Environmental Impact Report for the MoVal 2040; Page 4.6-9. Available at https://www.moval.org/city_hall/general-plan2040/Environmental/MV2040_FinalEIR_W-CommentResponse.pdf. Accessed March 29, 2022.

Impact 7.4-2: Would the Project conflict with or obstruct a State or Local plan for renewable energy or energy efficiency?

Basis for Conclusion: Project design and operation will comply with California Title 24 energy standards and the 2019 CALGreen building code. As discussed above in Impact 4.4-1, Project development will not cause inefficient, wasteful, and unnecessary energy use. According to the MoVal 2040 GP, by changing land use designations and focusing development in Concept Areas, the Project would reduce VMT when compared to buildout of the existing 2006 General Plan.¹⁶ Therefore, the Project would not conflict with or obstruct State or local plans for renewable energy or energy efficiency and potential impacts would be less than significant.

Supportive Evidence: Please refer to Draft SEIR page 7-5.

Geology and Soils**Impact 7.5-1: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (Refer to Division of Mines and Geology Special Publication 42)?*

Basis for Conclusion: According to the United States Geological Survey (USGS) Quaternary Faults ArcGIS map, the Project site is not located in or adjacent to a known earthquake fault.¹⁷ The San Jacinto fault zone, the latest quaternary fault, is located at least four miles to the northeast of the Moreno Valley Mall; therefore, the possibility of a significant fault rupture on the Project site is low and potential impacts would be less than significant.

Supportive Evidence: Please refer to Draft SEIR page 7-6.

Impact 7.5-2: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- ii. Strong seismic ground shaking?*

Basis for Conclusion: Although no active faults are known to traverse the Project site, the Project site would experience ground shaking from earthquakes generated along active faults located off-site. The intensity of ground shaking would depend upon the magnitude of the earthquake, distance to the epicenter, and the geology of the area between the epicenter and the Project site. Adherence to standard engineering practices and design criteria relative to seismic and geologic hazards in accordance with the

¹⁶ City of Moreno Valley (2021). Final Environmental Impact Report for the MoVal 2040; Page 4.6-10. Available at http://www.moval.org/cdd/documents/general-plan-update/final-docs/Moval%202040_Final%20EIR_with%20RTCs.pdf. Accessed March 29, 2022.

¹⁷ U.S. Geological Survey (2020). U.S. Geologic Survey's Interactive Quaternary Faults Database. Available at <https://www.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcfhttps://www.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf>. Accessed January 12, 2022.

California Building Code (CBC) would reduce the significance of potential impacts to less than significant. The CBC includes detailed design requirements related to structural design, soils and foundations, and grading to ensure that public safety risks due to seismic shaking are minimized to below significance. Therefore, potential impacts would be less than significant.

Supportive Evidence: Please refer to Draft SEIR pages 7-6 and 7-7.

Impact 7.5-2: *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

iii. Seismic-related ground failure, including liquefaction?

Basis for Conclusion: The Moreno Valley Mall lies within one such zone and has a low liquefaction susceptibility. The San Jacinto Fault Zone to the northeast and east of the Project site puts the region in some risk of ground shaking, which may result in seismic-related ground failure. However, the Project site's distance from the fault makes seismic-related ground failure unlikely. Since both seismic-related ground failure and generalized liquefaction would not be likely to occur, the implementation of the Project would result in a less than significant impact.

Supportive Evidence: Please refer to Draft SEIR page 7-7.

Impact 7.5-4: *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

iv. Landslides?

Basis for Conclusion: The Project site exhibits varying landslide susceptibility but is predominately defined by landslide susceptibility classes 0 and 5, indicating that there is generally moderate to no risk of landslide.¹⁸ Furthermore, the Project site and neighboring parcels are relatively flat with no visual indications of active landslides. The northerly adjacent freeway, which is reinforced with retaining walls, would additionally minimize the risk of landslide. Therefore, landslide risk to the Project site is unlikely and impacts are less than significant.

Supportive Evidence: Please refer to Draft SEIR page 7-7.

Impact 7.5-5: *Would the Project result in substantial soil erosion or the loss of topsoil?*

Basis for Conclusion: On the Project site, topsoil exists only in those landscaped areas that make up a small proportion of the site area. Therefore, there is a low likelihood for erosion of this unpaved areas. Additionally, the Project would be required to comply with all requirements set forth in the National Pollutant Discharge Elimination System (NPDES) permit for construction activities including Best Management Practices (BMPs) through preparation of a Stormwater Pollution Prevention Plan (SWPPP). NPDES compliance would reduce potential impacts to less than significant levels.

¹⁸ City of Moreno Valley (2021). MoVal 2040 General Plan: Chapter 6 Safety. Available at www.moval.org/cdd/documents/general-plan-documents-draft-general-plan.html. Accessed January 12, 2022.

Supportive Evidence: Please refer to Draft SEIR page 7-8.

Hazards and Hazardous Materials

Impact 7.6-1: *Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Basis for Conclusion: Impacts related to the routine transport, use, or disposal of hazardous materials on the Project site would most likely come from motor oils, gasoline, and diesel fuel used during construction, rather than the operational uses of the site. Should on-site refueling occur during construction, spill kits shall be located on-site as required by the Project-specific SWPPP. Other preventative measures and BMPs are similarly required under NPDES stormwater regulations. Furthermore, the Project site is not listed under the California Hazardous Waste and Substance Site List (Cortese List).¹⁹ Prior environmental analysis within the SP-200 EIR did not address hazards or hazardous materials. Therefore, impacts associated with the transport, use, or disposal of hazardous materials would be less than significant.

Supportive Evidence: Please refer to Draft SEIR page 7-8.

Impact 7.6-2: *Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Basis for Conclusion: Accident conditions involving the release of hazardous materials into the environment could reasonably occur during the construction phase of the Project, especially due to the use of oils and fuels on-site. The use of hazardous materials during the construction phase – such as motor oils, gasoline, and diesel fuel – would have a less than significant impact with the preventative measures and BMPs required under NPDES stormwater regulations and Project-specific SWPPP. Because no proposed land uses necessitate the use of hazardous materials, the operational phase of Project implementation does not pose a reasonably foreseeable issue regarding the release of hazardous materials. However, the Project site may be expected to use fertilizer for site landscaping. Materials and substances would all be subject to applicable health and safety requirements under the Occupational Safety and Health Administration (OSHA). Thus, Project implementation would not result in the creation of a public or environmental hazard resulting in a less than significant impact.

Supportive Evidence: Please refer to Draft SEIR pages 7-8 through 7-9.

Impact 7.6-3: *Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Basis for Conclusion: There are no schools located within one-quarter mile of the Project site. The nearest school is Edgemont Elementary School located at 21790 Eucalyptus Ave, Moreno Valley, CA, approximately 0.7 miles to the southwest of the Project site. The Project is not anticipated to generate

¹⁹ California Department of Toxic Substances Control (2022). *Hazardous Waste and Substances Site List*. Available at <https://www.envirostor.dtsc.ca.gov/public/>. Accessed January 13, 2022.

significant hazardous materials that would impact Edgemont Elementary School. In addition, any future school developed within the surrounding area would be subject to the oversight of the California Environmental Protection Agency (Cal EPA), Department of Toxic Substances Control (DTSC), as required by State law. Additionally, the Project site is not located within a hazardous materials zone and is not included on a hazardous site list, according to the DTSC Cortese List. Therefore, a less than significant impact would occur due to the implementation of the Project.

Supportive Evidence: Please refer to Draft SEIR pages 7-8 through 7-9.

Impact 7.6-6: *Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Basis for Conclusion: The Project is not anticipated to interfere or impair an adopted emergency response or evacuation plan. The City has adopted a Local Hazard Mitigation Plan (LHMP) and Emergency Operations Plan (EOP) to guide emergency management strategies for the City. Implementation of the Project would be in compliance with the California Fire Code (CFC) with local amendments to address fire hazard concerns. Furthermore, approval of new development is conditioned on review by the Moreno Valley Fire Department (MVFD) and the Moreno Valley Department of Public Works to ensure adequate emergency access.²⁰ In case of an emergency and/or evacuation, Towngate Fire Station 6, located approximately 0.3 mile southwest from the Project site, would be able to provide an emergency response. The implementation would not impact major access roads and access would be maintained during construction. Therefore, impacts would be less than significant, and mitigation is not necessary.

Supportive Evidence: Please refer to Draft SEIR page 7-10.

Hydrology and Water Quality

Impact 7.7-1: *Would the proposed project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

Basis for Conclusion: The Project site has been previously developed and graded with the construction of parking lots, auxiliary structures, and the Moreno Valley Mall. Existing conditions allow for the unmitigated flow of water across the Project site before interception of runoff into stormwater sewers and paved ditches. With implementation of the preliminary Water Quality Management Plan (WQMP), compliance with the NPDES permit requirements, and implementation of BMPs, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Mandatory compliance with the required site-specific Stormwater Pollution Prevention Plan (SWPPP) and the erosion control plan would ensure that the construction of the Project site would not violate any water quality standards or waste discharge requirements. Therefore, there would be a less than significant impact association with violation of any water quality standards or waste discharge requirements or otherwise substantial degradation of surface or groundwater quality.

²⁰ City of Moreno Valley (2021). MoVal 2040 General Plan: Safety Element. Available at www.moval.org/cdd/documents/general-plan-documents-draft-general-plan.html. Accessed January 13, 2022.

Supportive Evidence: Please refer to Draft SEIR pages 7-11 through 7-12.

Impact 7.7-2: *Would the proposed project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Basis for Conclusion: According to the WQMP, development of the Project site would decrease impervious surface area (ISA) from the existing conditions and therefore would increase permeability of the affected area. The WQMP includes design measures such as low impact development (LID) and other stormwater drainage controls that would be engineered to capture and control runoff prior to being released downstream. This would increase the duration that water is held on-site prior to being released to downstream receiving waters, allowing water more time to infiltrate the ground and facilitates recharge. In addition, LIDs that include permeable materials, enable runoff to immediately infiltrate and begin the recharge process. Therefore, considering the existing conditions which already limit the potential for recharge, and with the implementation of a WQMP, impacts would be less than significant.

Further, according to the WQMP, groundwater was not encountered past 15 feet in any of the infiltration test borings. Based on this information, it is not anticipated that the depth to groundwater would affect the long-term performance of an infiltration system. Therefore, development of the Project site would not affect groundwater recharge due to the distance between the ground surface and the groundwater levels.

Supportive Evidence: Please refer to Draft SEIR pages 7-12 through 7-13.

Impact 7.7-3: *Would the proposed project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- i. **Result in substantial erosion or siltation on- or off-site?**

Basis for Conclusion: The Project would utilize subsurface storm drain systems that convey flows in the underground storm drain network. The Project proposes to capture and convey stormwater to modular wetland biofiltration systems. This water would be treated and conveyed into the existing reinforced concrete pipe (RCP) storm drain in Town Circle. The NPDES, SWPPP, and WQMP created for the Project would also minimize potential impacts from erosion and siltation. Further, an erosion control plan would also be implemented to further minimize potential siltation and erosion effects. Implementation of dust control measures along with BMPs included in the NPDES, SWPPP, and WQMP would reduce potential environmental effects to less than significant levels.

Supportive Evidence: Please refer to Draft SEIR page 7-13.

Impact 7.7-4: *Would the proposed project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- ii. **Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

Basis for Conclusion: The current Project would include development of approximately 58.6 acres of land presently occupied by the Moreno Valley Mall and associated uses that would decrease the amount of ISA covering on the Project site compared to existing conditions. These proposed improvements may cause changes in absorption rates, drainage patterns, and the rate and amount of surface water runoff. Any runoff that may occur would not exceed the system's capacity as existing downstream and upstream facilities have adequate capacity to convey 1,135 cubic feet per second (cfs) of water. Per the Project's Drainage Report, on-site flows would be collected by a system of underground chambers and storm drain network. The Project would construct the new storm drain facilities that would connect to the existing storm drain network along Town Circle and throughout the Project site. Curb and gutter infrastructure associated with new private roads would be adequately designed to account for the 100-year, 24-hour storm event without flooding. Additionally, vegetated drainage swales would be utilized and set in place of underground piping or imperviously lined swales, to the maximum extent practicable and as allowed by City erosion control regulations (MC §8.21.160.E) to contain 10-year events in curb and 100-year events in right of way. Therefore, the Project would not significantly impact flooding.

Supportive Evidence: Please refer to Draft SEIR pages 7-13 through 7-14.

Impact 7.7-5: *Would the proposed project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- iii. **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

Basis for Conclusion: The existing Project site is already disturbed with the existing Moreno Valley Mall and associated uses. This existing development contains an existing storm drain network and conveyance patterns throughout the site consisting of curb and gutter, shallow drainage channels, and sheet flow across paved parking surfaces. The Project would include similar improvements that are designed to be consistent with the 100-year storm event. Preparation, implementation, and participation with both the NPDES General Permit and the General Construction Permit, including the SWPPP and BMPs, would reduce the potential for storm water flows, and any potential contaminants contained within those flows, to be conveyed off-site during construction of the Project. As a result, short-term construction-related impacts associated with creating or contributing to runoff and additional sources of polluted runoff would be less than significant. Conformance with these requirements would be verified prior to any project approval and included as conditions of approval to any future project. Impacts would, therefore, be less than significant.

Supportive Evidence: Please refer to Draft SEIR pages 7-14 through 7-15.

Impact 7.7-6: *Would the proposed project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

iv. Impede or redirect flood flow?

Basis for Conclusion: Refer to discussion in Impact 7.7-6(ii). The site is not located in a documented flood plain or floodway, nor is the site located within any special flood hazard areas.²¹ The Project site is already disturbed with the existing Moreno Valley Mall and associated uses. This existing development contains an existing storm drain network and conveyance patterns throughout the site consisting of curb and gutter, shallow drainage channels, and sheet flow across paved parking surfaces. The Project would include similar improvements that are designed to be consistent with the 100-year storm event. As such, the Project would not impede or redirect flood flows and impacts would be less than significant.

Supportive Evidence: Please refer to Draft SEIR pages 7-15 through 7-16.

Impact 7.7-8: *Would the proposed project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Basis for Conclusion: The Project site is located within the Santa Ana River Basin. The site's related construction and operational activities would be required to comply with the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Plan by preparing and adhering to a SWPPP and SWQMP. The Project would be required to show conformance prior to any approval. Implementation of the Project would not conflict with or obstruct the Santa Ana River Basin Water Quality Control Plan and impacts would be less than significant. The Project site lies within the San Jacinto Groundwater Basin, under the Sustainable Groundwater Management Act (SGMA), Eastern Municipal Water District (EMWD) is the groundwater sustainability agency and is responsible for development and implementation of a groundwater sustainability plan. The Project would be required to comply with all applicable aspects of the Groundwater Sustainability Plan for the San Jacinto Groundwater Basin. Additionally, the Project site is already disturbed with the existing Moreno Valley Mall and associated uses. The existing mall complies with all applicable plans and it is not anticipated that the new uses proposed as part of the Project would dramatically change the intensity of uses already planned and approved. As such, the Project would not conflict with or obstruct the implementation of a water quality control plan or a sustainable groundwater management plan and impacts would be less than significant and no mitigation is necessary.

Supportive Evidence: Please refer to Draft SEIR page 7-16.

Land Use and Planning

²¹ Federal Emergency Management Agency (2008). *FEMA FIRM Map. No. 06065C0745G*. Available at <https://msc.fema.gov/portal/>. Accessed January 13, 2022.

Impact 4.5-2: *Would the Project cause a significant environmental impact due to a conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Basis for Conclusion: The Project would be consistent with the SCAG RTP/SCS, City of Moreno Valley 2006 General Plan, and the MoVal 2040 GP. With approval and implementation of the proposed Specific Plan Amendment, the Project would not result in a change in, or conflict with a land use or zoning designation that would result in potentially significant impacts. Therefore, impacts associated with any existing plan, policy, or regulation would be less than significant. The Project site is currently zoned as mixed-use community overlay which allows for the Project components including hotels, public parks and recreational facilities, multi-family residential, restaurants, and retail.²² Therefore, the Project would not result in a change in, or conflict with zoning policy that would result in potentially significant impacts.

Supportive Evidence: Please refer to Draft SEIR pages 4.5-9 through 4.5-27.

Noise

Impact 4.6-1: *Would the Project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Basis for Conclusion: Construction activities for the Project would include site preparation, grading, building construction, paving, and architectural coating. Such activities would require graders, scrapers, and tractors during site preparation; graders, dozers, and tractors during grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, mixers, tractors, and paving equipment during paving; and air compressors during architectural coating. The nearest sensitive receptors to the Project site are the residences 110 feet south of the Project site. As analyzed in Draft SEIR **Section 4.6, Noise**, construction activities would not exceed the 80 dBA Leq residential threshold for sensitive receptors. Therefore, construction related noise impacts would be less than significant.

The analysis of operational noise impacts presented in Draft SEIR **Section 4.6, Noise** only focuses on new source of noise associated with Project improvements. The major noise sources associated with Project operation that would potentially impact existing nearby residences would include stationary noise equipment (i.e., trash compactors, air conditioners, etc.); new parking areas (i.e., car door slamming, car radios, engine start-up, and car pass-by); and off-site traffic noise. Mechanical equipment typically generates noise levels of approximately 52 dBA at 50 feet. The nearest potential location for such mechanical equipment – an HVAC unit – would be located approximately 200 feet from the nearest residential property and HVAC noise levels would attenuate by the distance to approximately 38.0 dBA, which is well below the City's 60 dBA daytime and 55 dBA nighttime noise standard for residential uses. As determined by the Project's Traffic Study, the Project would generate 634 daily trips during peak hours. The Project's highest peak hour vehicle trips would generate noise levels of approximately 54.4 dBA Leq

²² City of Moreno Valley (2021). *City of Moreno Valley Municipal Code - Section 9.02.020 Permitted Uses*. Available at https://library.qcode.us/lib/moreno_valley_ca/pub/municipal_code/item/title_9-chapter_9_02-9_02_020. Accessed January 17, 2022.

at 50 feet from the parking lot. Parking lot noise at the nearest receptor would be 42.4 dBA which is below the City's residential noise standard of 92 dBA SEL. Additionally, the proposed Project would generate 11,076 daily trips which would result in noise increases on Project area roadways. In general, a traffic noise increase of less than 3 dBA is barely perceptible to people, while a 5-dBA increase is readily noticeable.²³ Generally, traffic volumes on Project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA. Traffic noise modeling was conducted for conditions with and without the Project, based on traffic volumes from the Traffic Impact Analysis. As indicated in **Section 4.6, Noise** Project traffic-generated noise levels on Project area roadways would range between 65.8 dBA CNEL and 73.2 dBA CNEL at 100 feet from the centerline, and the Project would result in a maximum increase of 2.6 dBA CNEL along Town Circle. Therefore, the proposed Project would result in a less than significant impact related to stationary noise levels, noise impacts from parking lots, and permanent increase in ambient noise from off-site traffic.

Supportive Evidence: Please refer to Draft SEIR pages 4.6-14 through 4.6-19.

Impact 4.6-2: *Would the Project expose persons to or generate excessive ground borne vibration or ground-borne noise levels?*

Basis for Conclusion: Once operational, the Project would not be a significant source of groundborne vibration. Groundborne vibration surrounding the Project currently result from heavy-duty vehicular travel (e.g., refuse trucks, heavy duty trucks, delivery trucks, and transit buses) on the nearby local roadways. Due to the rapid drop-off rate of ground-borne vibration and the short duration of the associated events, vehicular traffic-induced ground-borne vibration is rarely perceptible beyond the roadway right-of-way, and rarely results in vibration levels that cause damage to buildings in the vicinity. Therefore, vibration impacts associated with Project construction and operation would be less than significant, and no mitigation is necessary.

Supportive Evidence: Please refer to Draft SEIR pages 4.6-19 through 4.6-20.

Impact 4.6-3: *For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?*

Basis for Conclusion: The nearest airport to the Project site is the March Air Force Reserve Base located approximately 2.4 miles to the south. According to the noise compatibility contours figure for the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (Riverside County Airport Land Use Commission 2014), the project site is located outside the airport's 60 dBA CNEL noise contour. Therefore, the Project would not expose people residing or working in the Project area to excessive airport- or airstrip-related noise levels and no mitigation is required.

²³ Federal Highway Administration, Highway Traffic Noise Analysis and Abatement Policy and Guidance, Noise Fundamentals, https://www.fhwa.dot.gov/Environment/noise/regulations_and_guidance/polguide/polguide02.cfm, accessed April 13, 2022.

Supportive Evidence: Please refer to Draft SEIR pages 4.6-20 through 4.6-21.

Population and Housing

Impact 7.9-2: *Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Basis for Conclusion: The Project would include the development of 1,627 multi-family dwelling units, including three multi-family communities in the eastern mall area (Residential A, B and C totaling 1,377 DU, and a multi-family community in the northwest mall area totaling 250 DU). The Project also includes commercial uses that include, but is not limited to, additional multi-tenant retail through mall revitalization and two new hotel operations which would increase the demand of housing in the area. Consequently, the Project would directly and indirectly induce population growth, which would have the potential to increase the demand for housing in the area. The City is considered housing-rich so the increase of employment opportunities would help in the City's pursuit of an improved jobs-housing balance. Additionally, the Project's new residential units would help the City meet its Regional Housing Needs Allocation (RHNA) housing goals by 2029. According to the MoVal 2040 GP Program EIR, the City anticipates the development of 22,052 new homes which is greater than the RHNA allocation goal of 13,627 new homes. The exceedance of the RHNA allocation would provide a buffer in all income categories to ensure the City can navigate the no net loss provisions of the state Housing Element law and have continued ability to meet the RHNA by income group through 2040.²⁴ Therefore, the Project's population growth is planned and would not result in a substantial population growth. Impacts would be less than significant, and no mitigation is necessary.

Supportive Evidence: Please refer to Draft SEIR page 7-17 through 7-18.

Impact 7.9-1: *Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

Basis for Conclusion: The Project site consists of the existing Moreno Valley Mall (excluding the JC Penney and Macy's parcels). Under the existing SP-200, the entirety of the existing Moreno Valley Mall area was proposed for Regional Mixed Use Commercial uses. The Regional Mixed Use Commercial land use would allow freeway-related retail, office parks, research and development parks and other office and commercial uses. This Project would include a Specific Plan Amendment that would modify and supersede SP-200 to allow the development of the Project's proposed multi-family residential uses on the existing Project site. Therefore, the Project would not displace substantial numbers of existing people or housing. No impact would occur, and no mitigation is necessary.

Supportive Evidence: Please refer to Draft SEIR page 7-18.

²⁴ City of Moreno Valley (2021). *Final Environmental Impact Report for the MoVal 2040*; Page 4.14-5. Available at http://www.moval.org/city_hall/general-plan2040/Environmental/MV2040_FinalEIR_W-CommentResponse.pdf. Accessed January 2022.

Public Services

Impact 7.10-1: *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

i) Fire Protection?

Basis for Conclusion: Increased demand as a result of new development or redevelopment has the potential to detrimentally affect response times and emergency response coverage. The MVFD Strategic Plan (SP) anticipates the need for new fire stations based on project population increases and the development outlook stipulated in the MoVal 2040 GP, that includes the redevelopment of the Moreno Valley Mall Concept Area. Because the MVFD SP takes into account the planned development intensity envisioned in the GP, and because the Project site is specifically regarded for mixed-use development consistent with the proposed Project, it should be assumed that impacts to fire protection services as a result of the Project are currently considered under the purview of the MoVal 2040 Final SEIR impact analysis. As part of the MoVal 2040 GP's programmatic mitigation framework, new development would be required to pay a development impact fee (DIF) to contribute to future facility improvements – including new equipment, personnel, and fire stations. Impacts to public services are further offset through the general fund revenue anticipated to be generated by the Project, both in terms of enhancing performance of the existing mall and in providing new retail sales tax generators and hotel bed tax. While the construction of these new fire stations may result in adverse physical impacts, impacts would be addressed by separate environmental review and the City's standard development review process. Therefore, impacts to fire protection services from the Project would be less than significant.

Supportive Evidence: Please refer to Draft SEIR pages 7-19 through 7-20.

Impact 7.10-2: *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

ii) Police Protection?

Basis for Conclusion: The MoVal 2040 GP anticipates the expansion of the Civic Center, the existing headquarters of the Moreno Valley Police Department (MVPD), as well as an increase in police personnel to accommodate future development that would include the Project. While the construction of an expanded police protection facility may result in adverse physical impacts, impacts would be addressed by separate environmental review and the City's standard development review process, applicable DIF contributions, MoVal 2040 GP goals and policies intended to protect the environment, and the programmatic mitigation framework established in the MoVal 2040 Final SEIR, which would reduce

impacts associated with the provision of new or physically altered police protection facilities. Therefore, impacts to police protection services from the Project would be less than significant.

Supportive Evidence: Please refer to Draft SEIR page 7-20.

Impact 7.10-3: *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

i) Schools?

Basis for Conclusion: The Moreno Valley Unified School District, the Val Verde Unified School District, and Moreno Valley College recognize the need for additional school construction to accommodate a growing population. The redevelopment of the Project site is considered in the GP as an action that could result in population growth, thereby increasing demand on schools. The Project proposes less intensive residential uses than the SP-200, with estimated school demand to increase by 1,187 students, accounted for in student generation estimations in the MoVal2040 Final SEIR.²⁵ Payment of fees in compliance with California Government Code §65996 fully mitigates all impacts to school facilities. Therefore, this impact would be less than significant in this regard. Future schools would be subject to separate environmental review, MoVal 2040 GP goals and policies intended to protect the environment, and the programmatic mitigation framework established in the MoVal2040 Final SEIR, which would reduce impacts associated with the provision of new or physically altered schools to a level less than significant.

Supportive Evidence: Please refer to Draft SEIR page 7-20 through 7-21.

Impact 7.10-3: *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

i) Other Public Facilities?

Basis for Conclusion: Any additional public facilities would be subject to separate environmental review, MoVal 2040 GP goals and policies intended to protect the environment, and the programmatic mitigation framework established in the MoVal Final SEIR, which would reduce impacts associated with the provision of new or physically altered public facilities to a level less than significant.

Supportive Evidence: Please refer to Draft SEIR page 7-21.

Recreation

²⁵ Estimated number of students generated by the Project is a measure of proposed dwelling units multiplied by MVUSD Student Generation Rates, found in the MoVal2040 EIR; Page 4.15-8.

Impact 7.11-1: Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Basis for Conclusion: Increase in the demand for existing neighborhood and regional parks or other recreational facilities typically occurs due to an increase in the residential population. To this effect, the Project would include the addition of 250 units in the northwest corner of the site and approximately 1,377 multi-family units in the southeast district of the site. The Project additionally includes two on-site hotels, the temporary residents of which could utilize existing neighborhood recreational facilities. The Project would satisfy the City's open space standards by providing a combination of public plaza open space, public accessible open space, and private common open space. Therefore, impacts from the increased use of existing neighborhood and regional parks or other recreational facilities would be less than significant.

Supportive Evidence: Please refer to Draft SEIR page 7-22.

Impact 7.11-2: Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Basis for Conclusion: The Project does include the implementation of on-site recreational facilities including a public park and an outdoor dining pavilion. The Project would comply with the City's goals and policies within its general plan, as well as the Quimby Act and City regulations through dedication of parkland and/or payment of in-lieu fees for parks and recreation purposes. Therefore, impacts to existing neighborhood and regional parks or other recreational facilities would be less than significant.

Supportive Evidence: Please refer to Draft SEIR page 7-22.

Transportation

Impact 4.7-2: Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Basis for Conclusion: As part of the City of Moreno Valley's Vehicle Miles Traveled (VMT) Guidelines, the City has adopted screening criteria, which can be used to quickly identify when a project or a portion of a mixed-use project should be expected to cause a less than significant impact related to VMT and would not require a detailed VMT analysis. Three screening criteria exist to determine if a project would have a less than significant impact. Based on a review of the City's VMT screening criteria, this mixed-use project's retail and hotel portions can be screened out of a VMT analysis under the City's project type screening. The retail portion is less than 50,000 square feet and would primarily serve local residential uses; the hotels are intended to be local serving (non-destination) hotels. The remaining components of this mixed-use project (residential and office) would not be screened out and would require a VMT analysis using their respective impact thresholds of significance.

According to the VMT modeling described in **Draft SEIR Section 4.7, Transportation**, the existing average Citywide VMT per capita is 13.57 VMT per capita. The Project's expected generation is 9.79 VMT per capita. Given that the VMT per capita for the Project's residential component does not exceed the Citywide VMT per capital, then the residential component is expected to result in a less than significant impact. Additionally, the existing average Citywide VMT per employee is 5.48 VMT per employee. The Project's estimated VMT generation per employee is 3.50. The estimated VMT for the office component is lower than and does not exceed the Citywide VMT per employee. As such, the Project's office component is expected to have a less than significant impact. As the retail and hotel components of the Project have been screened out of a detailed VMT analysis and expected to cause a less than significant impact, and the residential and office component VMT generation are below the Citywide VMT in each category, the Project is expected to have a less than significant impact with regard to VMT.

Supportive Evidence: Please refer to Draft SEIR pages 4.7-17 through 4.7-20.

Impact 4.7-4: Would the Project result in inadequate emergency access?

Basis for Conclusion: The Project would be required to have design plans reviewed by the City of Moreno Valley and associated agencies to ensure that adequate access to-and-from the Project site for emergency vehicles would be provided. In addition, the Draft SEIR notes that significant emergency access impacts are not anticipated during construction. Construction traffic is not expected to create high levels of congestion because construction traffic generally begins at 7 am, prior to the AM peak hour, and is completed before the PM peak hours. As such, construction traffic would not conflict with traffic generated by the existing Moreno Valley Mall. Additionally, the City and associated agencies would determine whether or not Project implementation would impact or interfere with the circulation of emergency vehicles along public streets that abut the Project site. The Project site does not present any constraints or other factors that indicate that emergency access would be jeopardized during construction. Based on the proposed Project design and with required adherence to City requirements for emergency vehicle access, impacts would be less than significant.

Supportive Evidence: Please refer to Draft SEIR pages 4.7-21 through 4.7-22.

Tribal Cultural Resources

Impact 7.12-1: Would the Project be developed in an area listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)?

Basis for Conclusion: The Project site would involve the redevelopment of a site that is not listed, or eligible for listing, in the California Register of Historical Resources (CRHR), or in a local register of historical resources.²⁶ Being currently developed, the Project site does not contain any resources that are likely to

²⁶ City of Moreno Valley (2021). Final Environmental Impact Report for the MoVal 2040; Figure 4.5-1. Available at http://www.moval.org/cdd/documents/general-plan-update/final-docs/Moval%202040_Final%20EIR_with%20RTCs.pdf. Accessed January 13, 2022.

have historical significance. Implementation of the Project would not have an adverse effect on resources listed in the CRHR or any local register and impacts are considered to be less than significant.

Support Evidence: Please refer to Draft SEIR page 7-23.

Impact 7.12-2: *Would the Project contain a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

Basis for Conclusion: Public Resources Code §5024.1(c) specifies criteria for the eligibility of resources to be listed in the CRHR. The criteria would be met if a resource was associated with significant California cultural heritage, important historical persons, distinctive or artistic characteristics, and has the likelihood to yield important history. Prior to the 1992 establishment of the Moreno Valley Mall, the Project site contained a portion of the Riverside International Raceway from 1957 to 1989. There are no recorded uses prior to 1957 that would lend historical significance to the site. Additionally, SP-200 found that no mitigation measures related to the eligibility, or rather lack therefore, for the CRHR were required. The City conducted tribal consultation pursuant to AB-52 and SB-18, refer to Section 4.3, Cultural Resources of the Draft SEIR for more information. The Project would not have significant impacts on tribal cultural resources pursuant to §5024.1(c) criteria. Therefore, impacts would be less than significant.

Support Evidence: Please refer to Draft SEIR page 7-23.

Utilities and Service Systems

Impact 4.8-1: *Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Basis for Conclusion: Utility connections are already in place for a majority of the Project site. Existing utilities would be extended and upgraded as needed during construction of the Project to serve the anticipated demands and to accommodate operation of the residential, hospitality, office, and commercial structures. All utility infrastructure improvements that are currently identified under the Project will be constructed within the existing or to be dedicated public right-of-way.

While the Project would increase water and wastewater demand of the existing Moreno Valley Mall, the intensity of the development is less intense than what was envisioned in the approved SP-200 and the MoVal 2040 General Plan. Furthermore, all off-site improvements would be required to comply with the applicable mitigation measures prescribed within the Draft SEIR. Additionally, a Mitigation Monitoring and Reporting Program (MMRP) would be prepared for this Project that would detail each mitigation that the Project would be required to comply with. The MMRP would be included as a condition of approval for the Project. All off-site improvements associated with implementation of the Project would similarly be required to comply with the MMRP.

Impacts related to existing or planned utility facilities are anticipated to be less than significant without mitigation. The Project is consistent with the intensity envisioned in the SP-200 and the MoVal2040 General Plan. Additionally, all developments would be required to follow the City's standard development review process, including demonstrating adequate utilities, and the payment of all applicable development impact fees. Therefore, impacts related to the expansion of utilities to serve the Project would be less than significant and no mitigation is required.

Supportive Evidence: Please refer to Draft SEIR pages 4.8-13 through 4.8-17.

Impact 4.8-2: *Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

Basis of Conclusion: Eastern Municipal Water District's (EMWD) estimated Project water demand is approximately 684.98 AFY. This projected water demand represents less than 0.37 percent of EMWD's projected year 2045 water demand. This increased demand is not anticipated to exceed the limits of the projected demand accounted for in the 2020 Urban Water Management Plan (UWMP) and the combined total demand of the Project and other new/planned developments fall below the total amount of new demand anticipated in the 2020 UWMP extending out to 2045. As such, an offset is not required as sufficient capacity remains in the UWMP supply projects and impacts are anticipated to be less than significant.

Supportive Evidence: Please refer to Draft SEIR pages 4.8-17 through 4.8-19.

Impact 4.8-3: *Would the Project 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?*

Basis of Conclusion: EMWD provides wastewater services to the Project site and currently has additional capacity totaling 34 MGD across the four Regional Water Reclamation Facilities (RWRFs) within EMWD's service area. As the MoVal Mall is an existing development, the wastewater generated by the operation of the renovated mall would still be sufficiently treated by existing EMWD RWRFs. The existing mall generates approximately 65 gpm (105 AFY) of wastewater in the average dry weather flows (ADWF) condition. Kimley-Horn prepared a Sewer Study for the Project that estimated that the proposed Project would result in an estimated 269 gpm (434 AFY), or approximately 0.39 MGD (**Appendix J**).²⁷ This represents less than 1.2 percent of the capacity of existing wastewater services. As previously noted, the Project has previously been incorporated into the MoVal 2040 General Plan, which did not note the necessity of further wastewater infrastructure due to Project implementation as future population projects within the City for the next 20 years are less than the Southern California Association of Governments' (SCAG) population forecasts and as such would not exceed wastewater demand forecast projections for EMWD.²⁸

²⁷ Kimley-Horn and Associates (March 2022). *Moreno Valley Mall Redevelopment Sewer Study*, page 2.

²⁸ City of Moreno Valley (2021). *MoVal2040 General Plan Final Environmental Impact Report*; Page 4.17-14.

As previously mentioned, the Project is consistent with the intensity envisioned in the SP-200 and the MoVal2040 General Plan. Additionally, all developments would be required to follow the City's standard development review process, including demonstrating adequate utilities, and the payment of all applicable development impact fees. Therefore, impacts to wastewater treatment flows would be less than significant with no mitigation required.

Supportive Evidence: Please refer to Draft SEIR pages 4.8-19 through 4.8-20.

Impact 4.8-4: *Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Basis of Conclusion: The redevelopment of the MoVal Mall was considered within the General Plan and therefore the expansion of uses at the MoVal Mall are consistent with the MoVal 2040 General Plan. Furthermore, the City's Building Code requires development projects to complete and submit a Waste Management and Recycling Plan for approval prior to issuance of building permits. The Waste Management and Recycling Plan would identify the project type and estimate the amount of materials to be recycled during construction. The Project would also be required to complete a Diversion Report for review by the City's Building Department to demonstrate that the project recycled a minimum of 50 percent of its construction waste. Additionally, all developments would be required to follow the City's standard development review process, including demonstrating adequate utilities, and the payment of all applicable development impact fees. Therefore, the Project would comply with local standards and pose a less than significant increase to the landfills' capacities and a less than significant impact would occur. No mitigation would be necessary.

Supportive Evidence: Please refer to Draft SEIR pages 4.8-21 through 4.8-22.

Impact 4.8-5: *Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Basis of Conclusion: The Project would comply with applicable local, state, and federal regulations regarding solid waste, including those of the City. All solid wastes would be deposited primarily at the Badlands Sanitary Landfill or at either El Sobrante Landfill or the Lamb Canyon Landfill, operated by the Riverside County Department of Waste Resources. The Project is anticipated to generate solid waste during the temporary, short-term construction phase, as well as the operational phase, but it is not anticipated to result in inadequate landfill capacity. MoVal 2040 General Plan Policy OSRC.4-2 requires the City and its subsequent projects to meet or exceed the state waste diversion requirements such as those outlined in AB 341. AB 341 would require that at least 75 percent of waste generated from construction activities be diverted to recycling centers. The Project would also comply with local measures such as the City's Building Code which requires projects to recycle a minimum of 50 percent of construction waste. Through compliance with applicable regulations, the Project would create a less than significant impact with no mitigation necessary.

Supportive Evidence: Please refer to Draft SEIR page 4.8-22.

Wildfire

Impact 7.13-5: *Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

Basis for Conclusion: The current Project would include the construction of roadways, landscaping, signage, lighting, and utility improvements within the Project site. The site is not located near a wildland interface and it is not within a designated VHFHSZ. The MVFD, according to the General Plan, would review all plans for adequate fire suppression, fire access, and emergency evacuation. Furthermore, approval of new development is conditioned on review by the MVFD and the Moreno Valley Department of Public Works to ensure adequate emergency access. Therefore, adherence to City policy and California Fire Code would reduce potential impacts to a level of less than significant, and no mitigation would be required.

Supportive Evidence: Please refer to Draft SEIR page 7-24.

Section 5: Environmental Impacts Found to be Less Than Significant with Mitigation Incorporated

Pursuant to PRC §21081(a) and CEQA Guidelines §15091(a)(1), based on substantial evidence, the City finds that for each of the impacts discussed below (i) changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the environmental effects identified in the Final SEIR; and (ii) the Project's potentially significant impacts have been avoided, offset, substantially lessened or reduced to less than significant levels in consideration of existing regulatory plans and programs (described in the Draft SEIR Section 4 for each applicable impact topic), PDFs (summarized in Draft SEIR Section 4 for each applicable impact topic) and EIR mitigation measures (provided in the Mitigation Monitoring and Reporting Program [MMRP] attached to these Findings as **Exhibit A**, and summarized below).

Aesthetics

Impact 4.1-4: *Would the Project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?*

Environmental Analysis: With adherence to the provisions of the MoVal 2040 GP, Moreno Valley MC, and the City's outdoor lighting regulation, lighting and glare impacts and potential spillover of the Project would not occur on surrounding land uses or roadways. Operational impacts resulting from new sources of light or glare would be less than significant. However, construction would result in the temporary increase of spill light and glare from construction equipment, staging areas, lighting poles, and security lighting. In accordance with Moreno Valley MC §8.14.040, construction activities are permitted between the hours of 7 a.m. and 7 p.m. Monday through Friday, excluding holidays and from 8 a.m. to 4 p.m. on Saturday, unless written approval is obtained from the City building official or City engineer. Such activities are not permitted on Sundays or federal holidays. Therefore, impacts by construction lighting on nearby residences south of the Project site would be minimized Mitigation Measure (**MM**) **AES-1** would be implemented which would require contractors to develop a Construction Lighting and Screening Plan to further minimize light and glare impacts during construction. Construction shall adhere to Moreno Valley MC §8.14.040 which limits the hours and days of construction. Security screening at night for the construction area would have directional lighting limited to that necessary for safety and security, as required by **MM AES-1**. In addition, construction lighting is temporary and shall cease upon Project completion. Therefore, in consideration of Project design features, **MM AES-1**, and adherence to applicable municipal codes, temporary construction impacts would be mitigated to less than significant levels.

Mitigation Measures: Based upon the analysis presented in Draft SEIR **Section 4.1, Aesthetics** of the Draft SEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will substantially lessen potentially significant impacts to less than significant.

MM AES-1: Prior to the start of construction, the Project Applicant shall prepare a Construction Lighting and Screening Plan. The Construction Lighting and Screening Plan should indicate aesthetic and lighting treatments for all construction work areas (i.e., maximum brightness values not to be exceeded by artificial bulbs, screening around Project site to limit light and glare, use of non-reflective glass, etc.). The Plan shall identify methods used to ensure construction lighting is directional (aimed toward work areas, and not toward nearby sensitive receptors), and limited to sufficient wattage for safety and security. Construction areas visible to sensitive receptors shall be screened via curtains from public view. Construction screening materials shall be of sufficient height and appropriate color to minimize viewshed impacts, as determined appropriate by the applicable jurisdiction(s).

Supportive Evidence: Please refer to Draft SEIR page 4.1-15 through 4.1-17.

Air Quality

Impact 4.2-3: *Would the proposed project, expose sensitive receptors to substantial pollutant concentrations?*

Environmental Analysis: The nearest sensitive receptors are the multi-family residences located 110 feet (33 meters) south of the Project. SCAQMD Local Significant Thresholds (LST) for CO, NO₂, PM₁₀, and PM_{2.5} were modeled with CalEEMod. Based on the CalEEMod Analysis provided in Draft SEIR **Section 4.2, Air Quality**, daily construction emissions would not result in significant concentrations of pollutants at nearby sensitive receptors. Therefore, the Project would result in a less than significant impact concerning LSTs during construction activities.

The majority of Project-related emissions, being generated by mobile sources driving to and from the site, would be emitted throughout a wide area defined by the origins and destinations of people traveling to and from the proposed Project. A Health Risk Assessment (HRA) (Health Risk Assessment: Moreno Valley Mall Redevelopment Project, prepared by Kimley-Horn, 2022) was conducted based on the SCAQMD's Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Emissions associated with the SR-60 freeway to future potential receptors located on the Project site. Air dispersion modeling was performed using the United States Environmental Protection Agency (U.S. EPA) AERMOD dispersion model in accordance with the SCAQMD Modeling Guidance for AERMOD.²⁹ Based on the AERMOD dispersion analysis provided in Draft SEIR **Section 4.2, Air Quality**, the carcinogenic risk associated with the Project would be less than significant.

As described above, impacts related to cancer risk would be less than significant. Additionally, non-carcinogenic hazards are calculated to be within acceptable limits. It should be noted that the impacts assess the Project's incremental contribution to health risk impacts, consistent with the SCAQMD guidance and methodology. The SCAQMD has not established separate cumulative thresholds and does not require combining impacts from cumulative projects. The SCAQMD considers projects that do not

²⁹ South Coast Air Quality Management District (2006). SCAQMD Modeling Guidance for AERMOD. Available at <http://www.aqmd.gov/home/air-quality/meteorological-data/modeling-guidance>. Accessed March 2022.

exceed the project-specific thresholds to generally not be cumulatively significant.³⁰ Therefore, impacts related to health risk from the Project would be less than significant.

Mitigation Measures: Based upon the analysis presented in Draft SEIR *Section 4.2, Air Quality* of the Draft SEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will substantially lessen potentially significant impacts to less than significant.

MM AQ-1: Prior to issuance of grading permits, the applicant shall prepare and submit documentation to the City of Moreno Valley that demonstrate the following:

- All off-road diesel-powered construction equipment greater than 50 horsepower meets California Air Resources Board Tier 4 Final off-road emissions standards or incorporate CARB Level 3 Verified Diesel Emission Control Strategy (VDECS). Requirements for Tier 4 Final equipment shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. A copy of each unit's Best Available Control Technology (BACT) documentation (certified tier specification or model year specification), and CARB or SCAQMD operating permit (if applicable) shall be provided to the City at the time of mobilization of each applicable unit of equipment.
- All on-road heavy-duty haul trucks shall be model year 2010 or newer if diesel fueled.
- Construction equipment shall be properly maintained according to manufacturer specifications. All equipment maintenance records and data sheets, including design specifications and emission control tier classifications shall be kept onsite and furnished to the lead agency or other regulators upon request.
- All construction equipment and delivery vehicles shall be turned off when not in use, or limit on-site idling for no more than 5 minutes in any 1 hour.
- On-site electrical hookups to a power grid shall be provided for electric construction tools including saws, drills, and compressors, where feasible, to reduce the need for diesel powered electric generators. Construction contracts shall require all off-road equipment with a power rating below 19 kilowatts (25 horsepower) (e.g., plate compactors, pressure washers, etc.) used during project construction to be battery powered.
- Prepare a construction traffic control plan detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.
- Provide information on transit and ridesharing programs and services to construction employees.

Supportive Evidence: Please refer to Draft SEIR page 4.2-30 through 4.2-39.

³⁰ South Coast Air Quality Management District (August 2003). White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution.

Cultural Resources

Impact 4.3-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Environmental Analysis: According to the MoVal 2040 Final SEIR, the General Plan Concept Areas, which includes include the Project site, would avoid the known archaeological resources within the planning area. Additionally, the Project site is located outside of any archaeological sensitive areas that are delineated within the City of Moreno Valley.³¹ The updated literature/records search obtained by BCR Consulting (provided as Appendix D to the SEIR), indicates that there are no known archaeological resources within the Project site. However, in the event that that a potentially significant archaeological resource is encountered during Project-related ground-disturbing activities, Mitigation Measures would further minimize potential impacts to human remains.

Mitigation Measures: Based upon the analysis presented in Draft SEIR **Section 4.3, Cultural Resources** of the Draft SEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will substantially lessen potentially significant impacts to less than significant.

MM CUL-1: Archaeological Monitoring. Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist to conduct monitoring of all ground disturbing activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a CRMP as defined in **MM CUL-3**. The Project archeologist shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The archaeological monitor shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed.

MM CUL-2: Native American Monitoring. Prior to the issuance of a grading permit, the Developer shall secure agreements with the consulting Tribe(s) that request tribal monitoring for tribal monitoring. The City is also required to provide a minimum of 30 days' advance notice to the tribes of all ground disturbing activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, City, the construction manager and any contractors and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.

MM CUL-3: Cultural Resource Monitoring Plan (CRMP). The Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a CRMP in consultation pursuant to the

³¹ Final Environmental Impact Report for the MOVAL 2040; Figure 4.5-2.

definition in AB52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting Tribe is defined as a Tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:

- a. Project description and location
- b. Project grading and development scheduling;
- c. Roles and responsibilities of individuals on the Project;
- d. The pre-grading meeting and Cultural Resources Worker Sensitivity Training details;
- e. The protocols and stipulations that the contractor, City, Consulting Tribe (s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.
- f. The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items.
- g. Contact information of relevant individuals for the Project;

MM CUL-4: Cultural Resource Disposition. In the event that Native American cultural resources are discovered during the course of ground disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

- a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department:
 - i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources.
 - ii. Onsite reburial of the discovered items as detailed in the treatment plan required pursuant to Mitigation Measure CR-1. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments as defined in CR-3. The location for the future reburial area shall be identified on a confidential exhibit on file with the City, and concurred to by the Consulting Native American Tribal Governments prior to certification of the environmental document.

MM CUL-5: The City shall verify that the following note is included on the Grading Plan:

"If any suspected archaeological resources are discovered during ground-disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find."

MM CUL-6: Inadvertent Finds. If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to Project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional archeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all Consulting Native American Tribes as defined in CR-2 before any further work commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in consultation with the Tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.

MM CUL-7: Human Remains. If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the "most likely descendant." The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

MM CUL-8: Non-Disclosure of Reburial Locations. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).

MM CUL-9: Archeology Report - Phase III and IV. Prior to final inspection, the developer/permit holder shall prompt the Project Archeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include

evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).

Supportive Evidence: Please refer to Draft SEIR page 4.3-11 through 4.3-14.

Transportation

Impact 4.7-3: *Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Basis for Conclusion: The Project would not create a significant traffic-related safety hazard. The Project roadways, ingress and egress, and interior circulation elements have been designed and would be constructed consistent with the City's Department of Public Works Department standard drawings. There are no incompatible land uses proposed or in the vicinity of the Project Site, such as those utilizing farm equipment, that would result in a potential significant traffic safety hazard. Although construction would involve the use of large heavy-duty equipment such as rollers, graders, and dump trucks, all staging and construction areas would have appropriate signage and standard safety protocols as implemented by the Project Applicant through standard construction practices. Additionally, the Project would be required to comply City Engineering Standards on intersection sightlines, as well as design guideline DG – 118 of the SPA, which identifies visual obstructions within 15 feet of drives shall be prohibited. This would increase visibility for drivers along the roadways in and around the Project site to allow for safe travel. As such, potential impacts associated with design hazards would be less than significant.

Supportive Evidence: Please refer to Draft SEIR pages 4.7-20 through 4.7-22.

Impact 4.12-1: *Would the Project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Environmental Analysis: The Project does not propose elements or aspects that would conflict with a program, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. On a long-term basis, the Project may result in increased demand for public transportation as increased employment opportunities, hotel, and residential components of the Project become available on-site; however, transit agencies routinely review and adjust ridership schedules to accommodate public demand. Additionally, the Project proposes the relocation and expansion of the existing transit facilities on-site to provide additional coverage and encourage use of public transit facilities. Existing bus service will be maintained during construction and adequate loading areas will be maintained during Project operations throughout maintained negotiation and communication with the RTA. As such, there is no potential conflict with the local public transit service.

In addition to recommended improvements identified in the TIA, the Project would be required to pay a fair share development impact fee that is proportional to the Project's impact on the City's circulation network. Furthermore, the Project would be required to adhere to mitigation measure **(MM) TRA-1** (*although operational level of service is no longer a significant impact under CEQA per SB743*). As such, the Project would be consistent with all applicable transportation and policies with the implementation of applicable previous SP-200 EIR measure, and impacts would be less than significant.

Mitigation Measures: Based upon the analysis presented in Draft SEIR **Section 4.7, Transportation** of the Draft SEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will substantially lessen potentially significant impacts to less than significant.

MM TRA-1: Construct all streets internal to the project to full ultimate cross-sections as adjacent Project development occurs and according to all applicable state and City of Moreno Valley Standards. Construction of new driveways shall be reviewed and approved by the City of Moreno Valley's Public Works prior to construction.

Supportive Evidence: Please refer to Draft SEIR pages 4.7-14 through 4.7-17.

Section 6: Environmental Impacts Found to be Significant and Unavoidable

For the following significance thresholds, the City finds that, based upon substantial evidence in the record, the proposed Project would have a significant and unavoidable impact, for which no additional feasible mitigation measures are able to reduce impacts to less than significant levels.

Air Quality

Impact 4.2-1: *Would the Project conflict with or obstruct implementation of the applicable air quality plan?*

Environmental Analysis: The Project would exceed the construction NO_x emission standards. In addition, operational emissions would exceed the operational standard for ROG despite the implementation of all feasible mitigation measures. Applicable mitigation measures are included to reduce operational emissions to the greatest amount feasible. However, even with mitigation, emissions would remain above SCAQMD thresholds. Therefore, the Project would potentially contribute to an existing air quality violation. Project emissions levels would remain significant and would contribute to the nonattainment designations in SCAB. Therefore, the Project would be inconsistent with the AQMP, resulting in a significant and unavoidable impact despite the implementation of mitigation.

Mitigation Measures: Based upon the analysis presented in Draft SEIR **Section 4.2, Air Quality** of the Draft SEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Even with implementation of regulatory requirements, standard conditions of approval, and reasonable and feasible mitigation, the Project would result in significant and unavoidable impacts with respect certain air quality standards, on an individual and cumulative basis.

MM AQ-1: Prior to issuance of grading permits, the applicant shall prepare and submit documentation to the City of Moreno Valley that demonstrate the following:

- All off-road diesel-powered construction equipment greater than 50 horsepower meets California Air Resources Board Tier 4 Final off-road emissions standards or incorporate CARB Level 3 Verified Diesel Emission Control Strategy (VDECS). Requirements for Tier 4 Final equipment shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. A copy of each unit's Best Available Control Technology (BACT) documentation (certified tier specification or model year specification), and CARB or SCAQMD operating permit (if applicable) shall be provided to the City at the time of mobilization of each applicable unit of equipment.
- All on-road heavy-duty haul trucks shall be model year 2010 or newer if diesel fueled.
- Construction equipment shall be properly maintained according to manufacturer specifications. All equipment maintenance records and data sheets, including design specifications and emission

control tier classifications shall be kept onsite and furnished to the lead agency or other regulators upon request.

- All construction equipment and delivery vehicles shall be turned off when not in use, or limit on-site idling for no more than 5 minutes in any 1 hour.
- On-site electrical hookups to a power grid shall be provided for electric construction tools including saws, drills, and compressors, where feasible, to reduce the need for diesel powered electric generators. Construction contracts shall require all off-road equipment with a power rating below 19 kilowatts (25 horsepower) (e.g., plate compactors, pressure washers, etc.) used during project construction to be battery powered.
- Prepare a construction traffic control plan detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.
- Provide information on transit and ridesharing programs and services to construction employees.

MM AQ-2: Low VOC Paint. The Project Applicant shall require by contract specifications commercial development to use interior and exterior architectural coatings (paint and primer including parking lot paint) products that have a volatile organic compound rating of 50 grams per liter or less. Contract specifications shall be reviewed and approved by the City of Moreno Valley prior to the issuance of occupancy permits. This measure shall be made a condition of approval for continued upkeep of the property.

MM AQ-3: Vehicle Trip Reduction. Develop a qualifying Commute Trip Reduction (CTR)/ Transportation Demand Management (TDM) plan to reduce mobile GHG emissions for all uses. The TDM plan shall be approved by the City of Moreno Valley prior to the issuance of building permits and incorporated into the Project's Codes Covenants and Restrictions (CC&Rs). The TDM plan shall discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking. The following measures shall be incorporated into the TDM plan.

TDM Requirements for Non-Residential Uses:

The Project Applicant shall consult with the local transit service provider on the need to provide infrastructure to connect the Project with transit services. Evidence of compliance with this requirement may include correspondence from the local transit provider(s) regarding the potential need for installing bus turnouts, shelters, or bus stops at the site.

The portion of the TDM plan for non-residential uses shall include, but not be limited to the following potential measures: ride-matching assistance, preferential carpool parking, flexible work schedules for carpools, half-time transportation coordinators, providing a website or message board for coordinating rides, designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles, and including bicycle end of trip facilities. This list may be updated as new methods become available. Verification of this measure shall occur prior to building permit issuance for the commercial uses.

TDM Requirements for Residential Units:

Rental Units. Upon a residential dwelling being rented or offered for rent, the Project Applicant shall notify and offer to the tenant or prospective tenant, materials describing public transit, ridesharing, and nonmotorized commuting opportunities in the vicinity of the development. The materials shall be approved by the City of Moreno Valley. The materials shall be provided no later than the time the rental agreement is executed. This information shall be submitted to the City of Moreno Valley Planning Division for review and approval, prior to the issuance of the first certificate of occupancy.

MM AQ-4: Prohibition of Fireplaces. The installation of wood-burning and natural gas devices shall be prohibited. The purpose of this measure is to limit emissions of ROG, NOX, particulate matter and visible emissions from wood-burning and natural gas devices used for primary heat, supplemental heat, or ambiance. This prohibition shall be noted on the deed and/or lease agreements for future property owners/tenants to obey.

MM AQ-5: Electric Landscape Equipment. Prior to the issuance of occupancy permits, the Planning Division shall confirm that the Project's Codes Covenants and Restrictions (CC&Rs) and/or tenant lease agreements include contractual language that all landscaping equipment used onsite shall be 100 percent electrically powered. All residential and non-residential properties shall be equipped with exterior electrical outlets to accommodate this requirement. This requirement shall be included in the third-party vendor agreements for landscape services for the building owner and tenants, as applicable.

MM AQ-6: Low VOC Cleaning Supplies. Prior to the issuance of occupancy permits, the Planning Division shall confirm that the Project's Codes CC&Rs and/or tenant lease agreements include contractual language that all cleaning products used in public spaces will be EPA Safer Choice certified. This requirement shall be included in the third-party vendor agreements for the building owner and tenants, as applicable.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that significant and unavoidable impacts would result from Project implementation. The City has balanced the economic, legal, social, technological, and other benefits of the Project against its significant and unavoidable impacts, and has determined that the benefits of the Project outweigh the unavoidable adverse impacts, and therefore, render those impacts "acceptable." The City has documented its determination regarding significant and unavoidable impacts in the Statement of Overriding Considerations in **Section 9** hereof.

Supportive Evidence: Please refer to Draft SEIR pages 4.2-20 through 4.2-22.

Impact 4.2-2: *Would the proposed project, 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?*

Environmental Analysis: Construction associated with the Project would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the Project area include O3-

precursor pollutants (i.e., ROG and NOX) and PM10 and PM2.5. Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the SCAQMD's thresholds of significance. The duration of construction activities associated with the Project is estimated to last approximately three years and eight months. Construction-generated emissions associated with the Project were calculated using the CARB-approved CalEEMod computer program, which is designed to model emissions for land use development projects, based on typical construction requirements. According to the CalEEMod analysis presented in Draft SEIR **Section 4.2, Air Quality**, NO_x construction emissions would remain above SCAQMD's thresholds, therefore impacts would remain significant with mitigation.

In addition, unmitigated operational emissions would exceed the SCAQMD criteria pollutant thresholds for ROG. The majority of ROG emissions are from area and mobile sources. Mitigation measures would be required to reduce emissions to the maximum extent feasible; however, emissions of motor vehicles are controlled by State and Federal Standards and the Project has no control over these standards. The analysis provided by Draft SEIR **Section 4.2, Air Quality** demonstrates that despite the implementation of applicable mitigation measures, operational emissions would remain above the SCAQMD's thresholds, therefore impacts would be significant and unavoidable.

Mitigation Measures: Based upon the analysis presented in **Section 4.2, Air Quality** of the Draft SEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Even with implementation of regulatory requirements, standard conditions of approval, and reasonable and feasible mitigation, the Project would result in significant and unavoidable impacts with respect to certain air quality standards, on an individual and cumulative basis.

MM: Refer to MMs AQ-1 through AQ-6 for the Project.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that significant and unavoidable impacts would result from Project implementation. The City has balanced the economic, legal, social, technological, and other benefits of the Project against its significant and unavoidable impacts, and has determined that the benefits of the Project outweigh the unavoidable adverse impacts, and therefore, render those impacts "acceptable." The City has documented its determination regarding significant and unavoidable impacts in the Statement of Overriding Considerations in **Section 9** hereof.

Supportive Evidence: Please refer to Draft SEIR pages 4.2-22 through 4.2-30.

Greenhouse Gas Emissions

Impact 4.4-1: *Would the Project generate GHG emissions, either directly or indirectly, that could have a significant impact on the environment?*

Environmental Analysis: The Project would result in direct emissions of CO₂, N₂O, and CH₄ from construction equipment and the transport of materials and construction workers to and from the Project

site. The GHG emissions only occur during temporary construction activities and would be cease once construction is complete. The total GHG emissions (in CO₂e) generated during construction are shown in Draft SEIR **Section 4.4, Greenhouse Gas Emissions**. As shown, the Project would result in the generation of approximately 20,371 MTCO₂e over the course of construction. Construction GHG emissions are typically summed and amortized over a 30-year period, then added to the operational emissions. The amortized Project construction emissions would be 679 MTCO₂e per year. Once construction is complete, the generation of these GHG emissions would cease.

The Project's unmitigated emissions would be approximately 12,619 MTCO₂e annually from both construction and operations. Project-related GHG emissions would exceed the 3,000 MTCO₂e per year threshold. The majority of the GHG emissions are associated with non-construction related mobile sources. Implementation of applicable mitigation measures and standard conditions would reduce GHG emissions to 10,615 MTCO₂e per year and the Project's emissions would still exceed the 3,000 MTCO₂e per year threshold. Additional mitigation to further reduce these emissions is not feasible. The TDM program required by MM AQ-3 will reduce GHG emissions from commuting however additional mitigation to reduce the Project's mobile emissions is not feasible due to the limited ability of the City of Moreno Valley to address emissions resulting from mobile sources and/or emissions generated by cars and trucks outside of the City's limits. As with all land use projects, the Project's mobile and transportation related GHG emissions are a function of two parameters: emissions control technology and vehicle miles traveled (VMT). Additional mitigation to further reduce the Project's non-mobile emissions is also not feasible. The Project's mitigation measures and standard conditions address non-mobile emissions to extent possible. As discussed further in Draft SEIR **Section 4.4, Greenhouse Gas Emissions**, the purchase of offset credits is not a feasible mitigation measure to reduce the emissions impact of the proposed Project. Therefore, despite the incorporation of all feasible mitigation measures, GHG emissions remain significant and unavoidable.

Mitigation Measures: Based upon the analysis presented in **Section 4.4, Greenhouse Gas Emissions** of the Draft SEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Even with implementation of regulatory requirements, standard conditions of approval, and reasonable and feasible mitigation, the Project would result in significant and unavoidable impacts with respect to consistency with GHG plans and GHG emissions, on an individual and cumulative basis.

MM: Refer to **MMs AQ-3** through **AQ-5** for the Project. In addition, the following additional mitigation measures are required.

MM GHG-1: Prior to the issuance of a building permit, the Project Applicant shall provide documentation to the City of Moreno Valley demonstrating that the new development portions of the Project, excluding existing retail spaces, (upon buildout) will meet or exceed 2019 CALGreen Tier 2 standards in order to exceed 2019 Title 24 energy efficiency standards by a minimum of 20 percent. In addition, the Project shall demonstrate additional measures to reduce overall on-site energy consumption by 20 percent, such as: 1) install solar photovoltaic (PV) panels or other source of renewable energy generation on-site; or 2)

otherwise acquire energy from the local utility that has been generated by renewable sources (for example, Southern California Edison Green Rate).

MM GHG-2: For residential projects, all major appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, and water heaters) provided/installed shall be Energy Star certified or of equivalent energy efficiency where applicable. These appliances must be included on the building plans and specifications and verified by the City's Building and Safety Division during plan check and prior to the issuance of the Certificate of Occupancy.

MM GHG-3: The development shall divert a minimum of 75 percent of landfill waste. Prior to issuance of certificate of occupancy, a recyclables collection and load area shall be constructed in compliance with City standards for recyclable collection and loading areas.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that significant and unavoidable impacts would result from Project implementation. The City has balanced the economic, legal, social, technological, and other benefits of the Project against its significant and unavoidable impacts, and has determined that the benefits of the Project outweigh the unavoidable adverse impacts, and therefore, render those impacts "acceptable." The City has documented its determination regarding significant and unavoidable impacts in the Statement of Overriding Considerations in **Section 9** hereof.

Supportive Evidence: Please refer to Draft SEIR pages 4.4-18 through 4.4-24.

Impact 4.4-2: *Would the Project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions?*

Environmental Analysis: The Project does not conflict with the applicable plans that are discussed above and therefore with respect to this particular threshold, the Project does not have a significant impact. Despite plan consistency, the Project's long-term operational GHG emissions would exceed the City's significance threshold of 3,000 MTCO_{2e} per year despite the implementation of applicable mitigation measures, thus the Project could impede California's statewide GHG reduction goals for 2030 and 2050. A potentially significant impact would therefore occur as a result of the proposed Project.

Mitigation Measures: Based upon the analysis presented in **Section 4.4, Greenhouse Gas Emissions** of the Draft SEIR, which is incorporated herein by reference, the following Mitigation Measures are feasible and are made binding through the MMRP. Even with implementation of regulatory requirements, standard conditions of approval, and reasonable and feasible mitigation, the Project would result in significant and unavoidable impacts with respect to consistency with GHG plans and GHG emissions, on an individual and cumulative basis.

MM: Refer to **MMs AQ-3** through **AQ-5** and **MMs GHG-1** through **GHG-3**, above.

Finding: Pursuant to Public Resources Code Section 20181(a) and State CEQA Guidelines Section 15091(a), the City hereby finds that significant and unavoidable impacts would result from Project implementation.

The City has balanced the economic, legal, social, technological, and other benefits of the Project against its significant and unavoidable impacts, and has determined that the benefits of the Project outweigh the unavoidable adverse impacts, and therefore, render those impacts “acceptable.” The City has documented its determination regarding significant and unavoidable impacts in the Statement of Overriding Considerations in **Section 9** hereof.

Supportive Evidence: Please refer to Draft SEIR pages 4.4-24 through 4.4-29.

Section 7: Alternatives to the Proposed Project

CEQA requires that an EIR describe a range of reasonable alternatives to the project, or to the location of the project, that could feasibly attain the basic objectives of the project, and to evaluate the comparative merits of the alternatives (14 CCR 15126.6[a]). The CEQA Guidelines direct that the selection of alternatives be governed by “a rule of reason” (14 CCR 15126.6[a], [f]). As defined by the CEQA Guidelines, “The range of alternatives required in an EIR is governed by a ‘rule of reason’ that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR needs to examine in detail only the ones that the Lead Agency determines could feasibly attain most of the basic objectives of the project” (14 CCR 15126.6[f]). The Project objectives are set forth in Draft SEIR **Section 1.0, Executive Summary**. The Project’s unavoidable significant impacts are set forth in Draft SEIR **Section 6.2, Significant Unavoidable Impacts**.

Alternatives Rejected from Further Consideration

The CEQA Guidelines provide that this EIR should “identify any alternatives that were considered by the Lead Agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the Lead Agency’s determination” (14 CCR 15126.6[c]). The following is a discussion of the proposed Project alternatives developed during the scoping and planning process and the reasons they were not selected for detailed analysis in this EIR.

With respect to the feasibility of potential alternatives to the proposed project, CEQA Guidelines §15126.6(t)(l) states, “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries . . . and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.”

In determining an appropriate range of project alternatives to be evaluated in this EIR, a number of possible alternatives were initially considered and then rejected. Project alternatives were rejected because they could not accomplish the basic objectives of the proposed Project; they would not have resulted in a reduction of significant adverse environmental impacts; or they were considered infeasible to construct or operate.

The following alternative has been rejected from further consideration:

Alternative Sites

In the case of the proposed Project, an alternative site is not considered appropriate as the “Project” by definition is the redevelopment of the existing Moreno Valley Mall. Although a new mall or similar uses proposed with the Project (hotel, office, residential) could be located at one or more alternative sites, no such site has been identified, and this would not achieve the primary objective of the Project of redeveloping the existing mall.

For the above reasons, the Alternative Site Alternative was rejected from further consideration.

Alternatives Selected for Further Analysis

The following alternatives were addressed in the Draft SEIR:

1. “No Redevelopment”
2. “No Project/Existing Specific Plan”
3. “Reduced Density”
4. “No Residential”

Alternative 1: “No Redevelopment” Alternative

Description: The No Redevelopment Alternative assumes the Project would not be implemented and proposed land use and other improvements would not be constructed as related to proposed Project. Note that this Alternative would not preclude future development concepts being pursued at the Project site at a later date.

Overall, the No Redevelopment Alternative would have reduced environmental impacts compared to the proposed Project and would avoid the two identified unavoidable significant impacts of the Project related to air quality and greenhouse gas emissions. However, this alternative would not accomplish the primary Project objective of redeveloping the Moreno Valley Mall and would not achieve MoVal 2040 GP goals for the site to create a “vibrant” “mixed-use” environment for the City. In addition, this Alternative would not preclude future development proposals for the site.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. The No Redevelopment Alternative would have reduced environmental impacts compared to the proposed Project and would avoid the two identified unavoidable significant impacts of the Project related to air quality and greenhouse gas emissions. However, this alternative would not accomplish the primary Project objective of redeveloping the Moreno Valley Mall and would not achieve MoVal 2040 GP goals for the site to create a “vibrant” “mixed-use” environment for the City. In addition, this Alternative would not preclude future development proposals for the site.

Supporting Evidence – Please refer to Draft SEIR Pages 6-5 through 6-7.

Alternative 2: “No Project/Existing Specific Plan” Alternative

Description: Consistent with CEQA Guidelines Section 15126.6, the No Project/Existing Specific Plan Alternative assumes development of the Project site pursuant to existing General Plan and zoning designations, which would be pursuant to the current SP-200. The No Project/Existing Specific Plan Alternative would develop the Project site consistent with the prior approved Towngate 200 Specific Plan (SP-200) and consistent with the current MoVal 2040 GP. The No Project/Existing Specific Plan Alternative would be consistent with the Project site’s General Plan Zoning designation of Mixed-Use Community

Overlay District and Land Use designation of Center Mixed Use (CEMU), which allows for a maximum density of 35 dwelling units per acre (du/ac), or a maximum of 3,252 dwelling units, and maximum permitted floor area ratio (FAR) of 1.25. The current SP-200 had also assumed development of an additional mall anchor at the site, which to date has not occurred. Furthermore, the Project does not propose additional uses not anticipated in the SP-200.

The General Plan allows the Floor Area Ratio (FAR) to be calculated on a site. The General Plan's Center Mixed Use designation would allow up to 3.34-million square feet of mixed uses, inclusive of 2,150 residential uses, based on the maximum FAR of 1.25 and maximum of 30 units per acre over 61.4-acres of Planning Area 2.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. The No Project/Existing Specific Plan Alternative would have similar or greater environmental impacts compared to the proposed Project, and would not avoid the two identified unavoidable significant impacts of the Project related to air quality and greenhouse gas emissions. This alternative could accomplish the primary Project objective of redeveloping the Moreno Valley Mall and could also achieve MoVal 2040 GP goals for the site to create a "vibrant" "mixed-use" environment for the City, but this Alternative would not allow the City to provide additional housing and comply with state law requirements to meet Regional Housing Needs Assessment allocations.

Supporting Evidence – Please refer to Draft SEIR Pages 6-7 through 6-10.

Alternative 3: "Reduced Density" Alternative

Description: This Alternative would reduce the overall development density within the Project site – consisting of the proposed office, residential, and hotel uses – by 25 percent. This Alternative would result in smaller office, hotel, and residential buildings and associated parking and landscaped would be proportionately increased. This Alternative would reduce overall impacts to the site.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. The Reduced Density Alternative would have reduced environmental impacts compared to the proposed Project, although it would not avoid the two identified unavoidable significant impacts of the Project related to air quality and greenhouse gas emissions. This alternative could accomplish the primary Project objective of redeveloping the Moreno Valley Mall and could achieve MoVal 2040 GP goals for the site to create a "vibrant" "mixed-use" environment for the City, albeit with a reduction in the variety and quantity of mixed-use development provided. This Alternative may represent an under-utilization of one of the City's primary mixed-use concept areas, intended to be major focal centers of the community.

Supporting Evidence – Please refer to Draft SEIR Pages 6-10 through 6-13.

Alternative 4: "No Residential" Alternative

Description: Alternative 4 would entail the redevelopment of the existing Moreno Valley Mall and the proposed office, commercial, and hotel uses, but without the proposed residential component. Currently, the Project proposes the development of 1,377 residential units amongst four residential buildings primarily located in the eastern portion of the Project site, with the remaining 250 units located in the northern portion of the Project site. Residential buildings would range from four to seven stories high. Three of the Project’s residential buildings would contain 40,000 square feet of plaza-level retail, that would remain with this Alternative.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. The No Residential Alternative would have reduced environmental impacts compared to the proposed Project, although it would not avoid the two identified unavoidable significant impacts of the Project related to air quality and greenhouse gas emissions. This alternative could accomplish the primary Project objective of redeveloping the Moreno Valley Mall and could achieve MoVal 2040 GP goals for the site to create a “vibrant” “mixed-use” environment for the City, albeit with the elimination of residential units representing an important omission in the desired variety and quantity of mixed-use development provided. As a result, this Alternative would not allow the City to provide additional housing and comply with state law requirements to meet Regional Housing Needs Assessment allocations. This Alternative may represent an under-utilization of one of the City’s primary mixed-use concept areas, intended to be major focal centers of the community.

Supporting Evidence – Please refer to Draft SEIR Pages 6-13 through 6-15.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines requires that an environmentally superior alternative be designated and states that if the environmentally superior Alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Based on the summary of information presented in **Section 6** of the Draft SEIR, the environmentally superior Alternative is Alternative 3: Reduced Density. Because Alternative 3 would reduce the development footprint by 25 percent, this Alternative has fewer environmental impacts than the proposed Project or any of the other alternatives, particularly as it relates to impacts to air quality, GHG, noise, and transportation.

Section 8: Additional CEQA Considerations

Significant and Irreversible Environmental Changes (Draft SEIR Section 5.2)

The CEQA Guidelines §15126.2(d), requires a discussion of any significant irreversible environmental changes that would be caused by a proposed project.

The Project would not involve the utilization of nonrenewable resources in a manner that would make their nonuse or removal unlikely. Nonrenewable resources associated with the development of the Project site would include fossil fuels. Fossil fuels would serve as energy sources during both Project construction and operations. Fossil fuels would act as transportation energy sources for construction vehicles and heavy equipment during the construction period and by vehicles and equipment used during Project operations. Though the Project would endeavor to utilize fossil fuels efficiently, their use would be vital for construction and operations activities, making their nonuse unlikely. However, the Project would not require the continued use of fossil fuels at the end of its operational life. By nature of being a nonrenewable resource, fossil fuels, once consumed, cannot be replaced. Those fuels, once spent, may be transformed into another form of matter such as exhaust or smoke. Standard vehicles and equipment used by the Project in both construction and operational phases would likely utilize fossil fuels. Some construction and operational equipment such as forklifts may be electrified and therefore not rely on fossil fuels. Energy-efficient equipment would be utilized according to their availability and in order to comply with energy regulations and policies for the Project as a whole as it pertains to residential, office, hospitality, and commercial uses. The Project does not propose any fueling stations and would not likely store significant amounts of fossil fuels on the site. Fossil fuels on-site would not be stored in a manner that would make their removal unlikely. No infrastructure is proposed to store fossil fuels in large amounts or without the ability of removal.

The Project would also require the commitment of land on which the Project would be developed for a mixed-use of residential, office, hospitality, and commercial uses. Similarly, land is a finite resource in that once developed and in active use it removes the ability for that land to be used for other purposes. However, development of the Project site would not eliminate the possibility of redevelopment in the future.

Impacts associated with the Project are largely less than significant with mitigation applied. The majority of identified impacts, not adequately covered by the previous EIR, were anticipated to create a less than significant impact or no impact, with the exception of air quality and greenhouse gas emissions.

Once development of the proposed project occurs, it would not be feasible to return the developed land to its existing (pre-project) condition. In addition, the redevelopment is proposed with the intent to last a long time. However, because the project site is already developed with urban uses, redevelopment under the proposed project would not represent a substantial change in land use.

The Project's development is anticipated to produce some significant and unavoidable impacts based on analyses conducted in Draft SEIR **Section 4.2, Air Quality** and **Section 4.4, Greenhouse Gas Emissions**. These impacts would also affect the surrounding environment.

The use of materials considered hazardous waste would be minimal; mostly used for cleaning, landscaping, and operational maintenance. Compliance with federal, state, and local regulations would ensure that the usage and storage of any hazardous materials and waste would be completed in the safest and most efficient manner. Similarly, the Project would comply with any federal, state, and local air quality and water quality regulations to further ensure the least amount of environmental impact. The mixed-use nature of the Project is unlikely to lead to impacts that would commit future generations and developments to similar uses. Therefore, the Project would not influence future development in that land area as the existing land use designations would be unchanged.

The Project is intended to develop residential, commercial, hospitality, and office facilities and is not anticipated to release hazardous material into the environment. Construction and operation of the Project would utilize chemical substances common with typical construction, landscaping, and cleaning activities and do not generally pose a significant hazard to the public or environment. However, in the event that hazardous materials are either used or stored on the Project site, National Pollutant Discharge Elimination System (NPDES) and Occupational Safety and Health Administration (OHS) requirements would both reduce the significance of any impacts and ensure the Project's compliance with any Federal, State, and local policy regarding hazardous materials and accidents.

The Project would comply with any applicable federal, state, and local regulations and laws regarding the use of resources during both construction and operations. As analyzed in Draft SEIR **Section 4.8, Utilities and Service Systems**, development of the Project would not significantly impact water, electricity, solid waste, and telecommunications resources. It was found that the Easter Municipal Water District (EMWD), the water supplier for the City and Project site, is able to meet the Project's expanded demand. Further, development of the Project would include the use of energy-efficient design and materials in accordance with the most recent Federal, State, and local regulations. Therefore, resources used for the Project, including energy, would be done in an efficient, justifiable manner.

Growth Inducing Impacts (Draft SEIR Section 5.3)

In regard to economic or population growth, the Project, when implemented, would directly induce population growth in the City through the development of 1,627 new dwelling units and commercial uses. Utilizing an average of 3.86 persons per household, the Project would result in a population increase of approximately 6,329 persons in the City. Compared to the previously approved SP-200, the Project is less intensive and less of a demand on resources through reducing the number of proposed dwellings by half, from 3,252 to 1,627 new dwelling units. The Project's residential component is inherently growth-inducing and, generally, new businesses tend to also directly translate into population growth. Therefore, as discussed further below, although the Project would directly and indirectly induce economic and population growth, this growth is consistent with local and regional planning documents and is therefore

not considered a significant impact in itself. The environmental impacts of construction and operation of the Project are addressed throughout the Draft SEIR.

As discussed in **Section 3.0, Project Description** of the Draft SEIR, the original Towngate Specific Plan No. SP-200 was approved by the City of Moreno Valley in 1987 which would have allowed for a maximum of 3,252 residences on approximately 92.9 acres, or a density of 35 dwelling units per acre. Compared to the currently approved SP-200, the Project proposes approximately half of the residential dwelling units at a maximum of 1,627 units, or a density of 23 dwelling units per acre. Ultimately, the overall density of the proposed Project would be less than is envisioned in both the 2006 General Plan and the current MoVal 2040 GP.

Based on the Project's 1,627 dwelling units and the Department of Finance (DOF) 3.86 person per household ratio, the Project would add approximately 6,329 persons to the City. The anticipated population growth is equivalent to two percent of SCAG's 266,800 estimated City population by 2045.

Not only does the introduction of new housing contribute to population growth, but generally new businesses tend to also translate into population growth. Because the Project would add population and new businesses, it is anticipated that new Project residents would fill some of the job needs. Due to the Project's proximity to Interstate 215 (I-215), California State Route 60 (SR-60), and other cities, some jobs could be filled by neighboring residents. New commercial uses would provide a variety of job opportunities, which may induce some workers to relocate to the City and seek housing.

While the Project would, directly and indirectly, lead to increased population, housing, and employment, this growth is planned growth. Additionally, due to the reduced number of dwelling units, the Project is less impactful than the currently approved Specific Plan No. SP-200 and regional growth forecasts. Therefore, this is not considered a significant growth-inducing impact.

Additionally, the Project would remove obstacles to population growth. The Project has been designed to primarily focus future development and redevelopment within Concept Areas that consist of vacant or underutilized land along major transit corridors. To accommodate this new growth pattern, it is anticipated that sewer line improvements would be required in these areas, including a new sewer line to collect wastewater and a new trunk sewer to convey the flows to the wastewater treatment plant.

The Project does include the extension and construction of infrastructure to support the Project. This Draft SEIR analyzes potential environmental impacts related to the proposed infrastructure including off-site sewer and drainage facilities, as well as off-site road improvements. The off-site sewer and water facilities are intended to serve the Project and are not anticipated to represent removal of an obstacle to other future development and, as such, is not considered a significant growth-inducing impact. Improvements to the Project's adjacent streets would also include monitoring the need for traffic signals or roundabouts along Town Circle as well as contributing to intelligent transport system improvements (such as fiber optic interconnect, closed-circuit television (CCTV), or traffic signal controller improvements) along Frederick Street. The environmental impacts associated with the facility improvements associated with the Project have been analyzed in **Section 4.1, Aesthetics** through Section

4.8, Utilities and Service Systems of the Draft SEIR. In consideration of potentially significant impacts which were not minimized by the Project design features, or previously adopted SP 200 EIR mitigation measures, additional EIR mitigation measures have been identified which, when implemented, would reduce potential impacts stemming from the Project's development to less than significant levels (with the exception of impacts associated with air quality and greenhouse gas emissions, which would remain significant and unavoidable). Further, the proposed Project would not require the expansion of utility facilities such as water treatment plants or landfills. Adequate capacity was concluded for each of those facilities.

The Project would not require the construction of new or expanded facilities that would cause significant environmental effects. As discussed in Draft SEIR **Section 4.8, Utilities and Service Systems**, the Project site is currently disturbed and developed with commercial uses and existing utility infrastructure. Implementation of the Project would require expanded public services and utilities, the majority of which would be located on-site. Draft SEIR **Section 4.8, Utilities and Service Systems**, describes proposed off-site sewer improvements, which would occur entirely within existing streets and developed areas. Draft SEIR **Section 4.7, Transportation**, describes various off-site road improvements for which the Project would either construct or fund a fair share of, including contributing to improvements in the Canyon Spring Traffic Impact Analysis. These off-site road improvements, that include restriping and intelligent transport system improvements, would not result in significant environmental impacts. Other than these impacts from off-site improvements, the Project is not anticipated to require new or expanded off-site facilities that would result in significant environmental impacts.

Mandatory Findings of Significance (Draft SEIR Section 5.4)

In regard to habitats and wildlife, the Project would have less than significant impacts to biological resources, due to the lack of biological resources within the Project site. **Section 7.0, Effects Found not to be Significant**, of the Draft SEIR addresses impacts that might relate to the reduction of fish or wildlife habitat or populations and the reduction or restriction of the range of special status species as a result of Project implementation.

The Project would not achieve short term environmental goals to the detriment of long-term environmental goals. The Project involves the redevelopment of the approximately 58.6-acre Moreno Valley Mall as a mixed-use town center that includes housing. **Section 5.1, Significant Irreversible Environmental Changes**, of the Draft SEIR addresses the short-term and irretrievable commitment of natural resources to ensure that the consumption is justified on a long-term basis. In addition, Section 1.0, Executive Summary, identifies all significant and unavoidable impacts that could occur that would result in a long-term impact on the environment. Lastly, Draft SEIR **Section 5.3, Growth-Inducing Impacts** identifies any long-term environmental impacts associated with economic and population growth that are associated with the Project.

Regarding cumulatively considerable impacts, the Draft SEIR provides a cumulative impact analysis for all thresholds that result in a less than significant impact, a potentially significant impact unless mitigated, or

a significant and unavoidable impact. Cumulative impacts are addressed for each of the environmental topics listed above and are provided in Draft SEIR **Sections 4.1** through **4.8**. Where the Project may result in cumulatively considerable impacts that are significant and unavoidable, these are summarized in the respective Draft SEIR section.

Section 9: Statement of Overriding Considerations

Pursuant to PRC § 21081(b), and CEQA Guidelines § 15093(a) and (b), the decision-making agency is required to balance, as applicable, the economic, legal, social, technological, or other benefits of the project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered “acceptable” (14 CCR § 15093 (a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final SEIR or elsewhere in the administrative record (14 CCR § 15093(b)).

The following provides a description of the project’s significant and unavoidable adverse impact and the justification for adopting a statement of overriding considerations.

Significant and Unavoidable Impacts

The City identifies the following significant unavoidable adverse impacts of the Project, which would continue to be applicable upon implementation of the proposed project:

Air Quality

- The Project would conflict or obstruct implementation of an applicable air quality plan.
- The Project would 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.
- The Project would result in significant cumulative air quality impacts.

Greenhouse Gas Emissions

- The Project would generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.
- The Project would conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions.
- The Project would result in significant cumulative GHG emissions.

Project Benefits in Support of the Statement of Overriding Considerations

The following section describes the benefits of the proposed Project that outweigh the project’s unavoidable adverse effects and provides specific reasons for considering the Project acceptable even though the Final SEIR has indicated that there will be eight significant and unavoidable project impacts if the mitigation measures for Impacts 4.2-1, 4.2-2, 4.4-1, and 4.4-2, are implemented. Accordingly, this Statement of Overriding Considerations regarding potentially significant adverse environmental impacts

resulting from the proposed Project, as set forth below, has been prepared. Pursuant to CEQA Guidelines §15093(c), the Statement of Overriding Considerations will be included in the record of the Project approval and will also be noted in the Notice of Determination. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the proposed Project.

Having reduced the potential effects of the proposed Project through all feasible mitigation measures as described previously herein, and balancing the benefits of the proposed Project against its potential unavoidable adverse impacts, the City finds that the following legal requirements and benefits of the proposed Project individually and collectively outweigh the potentially significant unavoidable adverse impacts for the following reasons:

1. Implements the Objectives Established for the Proposed Project

The Project approval will implement key objectives including:

- revitalizing the existing Moreno Valley Mall site;
- creating a long-term development plan that encourages and facilitates new uses of high quality and design;
- providing a mixed-use village that serves as a regional anchor to the area and draws upon the vibrancy of established neighborhoods, business, and community amenities nearby;
- integrating the Project into an established urban fabric and established neighborhoods;
- providing a mixture of uses that reduces vehicle miles traveled through internal capture of trips and carries out the intent of the City's Climate Action Plan;
- facilitating private investment in the development; enabling flexibility in development while achieving community goals;
- providing a mixture of high-quality housing and ground level commercial uses; provide a circulation system that is responsive to the needs of multimodal travel;
- provide landscaping appropriate to the level of development and sensitive to the surrounding areas;
- establish architecture which enhances the property with timeless architectural style;
- provides a visually harmonious development as viewed both internally and externally;
- promoting a project that has an architectural language promoting the varied uses while working with the contextual and regional vernacular of southern California; and
- providing adequate parking including a shared parking program.

2. Provides Employment Opportunities

The Project would result in construction of new mixed-use commercial, office, and residential development in addition to revitalizing the existing mall that would increase employment opportunities

for City and area residents, including construction jobs and quality long-term employment opportunities at a variety of wage levels.

3. Attainment of City RHNA Goals

The Project would facilitate the City's progress toward providing additional housing and comply with state law requirements to meet Regional Housing Needs Assessment allocations, while providing housing in close proximity to retail and transit.

4. Consistency with the 2040 General Plan

The Project site was identified by the MoVal 2040 GP as a desirable site for redevelopment. The Project proposes redevelopment in a way that is consistent with the MoVal 2040 GP's vision for a vibrant, mixed-use town center. The MoVal 2040 GP Land Use and Community Character Element places an emphasis on mixed-use, pedestrian-friendly developments that provide quality public spaces and quality architectural design. The Project includes the co-location of residential and new retail opportunities within close walking distance and joined by pedestrian-oriented streetscapes. The Project proposes an internal circulation system responsive to the needs of vehicular, bicycle, and pedestrian travel. The private urban streets within the plan are designed for comfortable, safe, and convenient pedestrian movement rather than being vehicular-focused. Small urban plazas, sidewalk seating, and rest zones create refuge nodes for visitors, and contribute to a more intimate walkable feel. The Project would provide a mixture of uses that reduces vehicle miles traveled through internal capture of trips. Additionally, the Project would set forth noise and pollution reduction methods consistent with the noise element and environmental justice element of the MoVal 2040 GP. As required by the MoVal 2040 GP, the Project would also participate in applicable transportation fee programs and benefit assessment districts. Ultimately, the Project would further the MoVal 2040 GP's goals of fostering walkable, mixed-use development and revitalizing the existing Moreno Valley mall in a way that enhances circulation, safety, and the user experience.

5. Consistency with the Regional Goals in the RTP/SCS

SCAG's 2020-2045 RTP/SCS was adopted September 3, 2020. The RTP/SCS identifies that land use strategies that focus on new housing and job growth in areas served by high quality transit and other opportunity areas would be consistent with a land use development pattern that supports and complements the proposed transportation network. The overarching strategy in the 2020-2045 RTP/SCS is to provide for a plan that allows the southern California region to grow in more compact communities in existing urban areas; provide neighborhoods with efficient and plentiful public transit and abundant and safe opportunities to walk, bike, and pursue other forms of active transportation; and preserve more of the region's remaining natural lands.

The proposed Project would add to the economic development of the region by adding new employment opportunities and creating a regional commercial hub. This would provide both temporary and permanent employment opportunities and add to the tax base and generate revenue for the City, consistent with SCAG RTP/SCS goals for economic prosperity. In addition, the Project includes a circulation

system that would provide efficient access to the site and connections to the regional transportation network. Internal circulation would be characterized by pedestrian-oriented design that places an emphasize on safety and security, as well as mobility of multiple modes of transportation. The multiple existing and proposed transportation options would support diverse housing types, as the Project would further the development of mixed-use multi-family housing in the area. Additionally, all modes of public and commercial transit throughout the Project area would be required to follow safety standards set by state, regional, and local regulations. The proposed Project would preserve and ensure access to the local public transportation near the Project site. Moreover, the proposed Project would incorporate energy efficiency and sustainability strategies.

CONCLUSION

The City Council of Moreno Valley has balanced the Project's benefits against the significant unavoidable impacts. The City Council finds that the proposed Project's benefits, which aim to meet the goals and policies of the City of Moreno Valley 2040 General Plan, outweigh the Project's significant unavoidable impacts, and these impacts, therefore, are considered acceptable in the light of the Project's benefits. The City Council finds that each of the benefits described above is an overriding consideration, independent of the other benefits, that warrants approval of the Project notwithstanding the Project's significant unavoidable impact.

RESOLUTION NUMBER 2023-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE AMENDMENTS TO THE TOWNGATE SPECIFIC PLAN (SP200).

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

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

WHEREAS, Moreno Valley Mall Holding, LLC, (“Applicant”) has requested in relevant part approval of Specific Plan Amendment PEN21-0168, requesting amendments to The Towngate Specific Plan (SP 200) specifically: 1) Creating two subareas: PA 2A and PA 2B; and 2) establishing the standards and guidelines for further development and redevelopment of PA 2A, while PA 2B will continue to defer to existing SP-200 regulations (the “Proposed Project”). The proposed project consists of revitalization and redevelopment of a portion of the existing Moreno Valley Mall (MVM), located at 22500 Town Circle, having Assessor’s Parcel Numbers 291-110-032, 291-110-033, 291-110-034, 291-110-035 (the “Project Site”); and

WHEREAS, PEN21-0168 will streamline certain entitlement procedures for efficiency purposes, all of which will promote economic development within the City; and

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

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

WHEREAS, staff has also determined that the Proposed Project is consistent with the purposes and intent of Title 9; and

WHEREAS, pursuant to the provisions of Section 9.02.200 (Public hearing and notification procedures) of the Municipal Code and California Government Code, a public hearing was scheduled for April 27, 2023, and notice thereof was duly published, posted, and mailed to all property owners of record within 600 feet of the Project Site; and

WHEREAS, on April 27, 2023, the public hearing to consider PEN21-0168 was duly noticed and conducted by the Planning Commission at which time all interested persons were given full opportunity to be heard and to present evidence and testimony; and

WHEREAS, on April 27, 2023, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines², the Planning Commission approved Resolution 2023-18.

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

Section 1. Recitals and Exhibits

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

Section 2. Notice

That pursuant to Government Code Section 66020(d)(1), notice is hereby given that the proposed Project is subject to certain fees, dedications, reservations, and other exactions as provided herein, in the staff report and conditions of approval (collectively, "Conditions"); and these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the ninety-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun.

Section 3. Evidence

That the Planning Commission has considered all evidence submitted into the Administrative Record for the Proposed Project, including, but not limited to, the following:

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) The Towngate Specific Plan (SP 200); Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- (c) Application for the approval of Specific Plan Amendment (SPA) PEN21-0330 and all documents, records, and references contained therein;
- (d) Staff Report prepared for the Planning Commission's consideration and all documents, records and references related thereto, and Staff's presentation at the public hearing;
- (e) Testimony, and/or comments from Applicant and its representatives during the public hearing; and
- (f) Testimony and/or comments from all persons provided in written format or correspondence, at, or prior to, the public hearing.

Section 4. Findings (General Plan Consistency)

That based on the foregoing Recitals and the Evidence contained in the

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

Administrative Record as set forth above, the Planning Commission makes the following finding:

(a) The proposed Specific Plan Amendment is consistent with the goals, objectives, policies, and programs of the General Plan.

Section 5. Approval

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings, as set forth herein, the Planning Commission hereby recommends to City Council approval of Specific Plan Amendment PEN21-0168.

Section 6. Repeal of Conflicting Provisions

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

Section 7. Severability

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

Section 8. Effective Date

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

Section 9. Certification

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

PASSED AND ADOPTED THIS 27TH DAY OF APRIL, 2023.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin DeJohnette, Chairperson

ATTEST:

Sean P. Kelleher,
Acting Community Development Director

APPROVED AS TO FORM:

Steven B. Quintanilla,
Interim City Attorney

Exhibits:

Exhibit A: Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TABLE III-1 AND PAGE II-5 OF THE VILLAGE SPECIFIC PLAN (SP204)

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

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

WHEREAS, Moreno Valley Mall Holding, LLC, (“Applicant”) has requested in relevant part approval of Specific Plan Amendment PEN21-0168 requesting amendments to The Towngate Specific Plan (SP 200) specifically: 1) creating two subareas: PA 2A and PA 2B and 2) establishing the standards and guidelines for further development and redevelopment of PA 2A, while PA 2B will continue to defer to existing SP-200 regulations (the “Proposed Project”). The Proposed Project consists of revitalization and redevelopment of a portion of the existing Moreno Valley Mall (MVM), located at 22500 Town Circle, having Assessor’s Parcel Numbers 291-110-032, 291-110-033, 291-110-034, 291-110-035 (the “Project Site”); and

WHEREAS, staff and Planning Commission have determined that PEN21-0168 is consistent with the MOVAL 2040 General Plan and its goals, objectives, policies, and programs, and with any applicable specific plan; and

WHEREAS, staff and Planning Commission have further determined that PEN21-0168 will not adversely affect the public health, safety or general welfare; and

WHEREAS, on _____, 2023, the public hearing to consider PEN21-0168 was duly noticed and conducted by the City Council at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, on _____, 2023, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines², the City Council Approved Resolution 2023-_-.

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

Section 1. RECITALS

That the above recitals are true and correct and are incorporated herein as

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

though set forth at length herein.

Section 2. AUTHORITY

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

Section 3. AMENDMENT TO THE TOWNGATE SPECIFIC PLAN (SP200)

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings, as set forth herein, the Council approves Specific Plan Amendment PEN21-0168, as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 4. CEQA COMPLIANCE

That pursuant to Resolution Number 2023-__, the City of Moreno Valley has prepared a Subsequent Environmental Impact Report (DSEIR). The analysis presented in the DSEIR indicates that implementation of the Proposed Project would result in significant and unavoidable adverse impacts to Air Quality and Greenhouse Gas Emissions which are described in detail within the DSEIR. All other environmental effects evaluated in the DSEIR are less-than-significant or can be reduced to less-than-significant levels with the incorporation of the mitigation measures specified in the DSEIR and adopted Mitigation Monitoring and Reporting Program. That pursuant to Resolution Number 2023-___, the City Council approved the Statement of Overriding Considerations.

Section 5. FINDING (GENERAL PLAN CONSISTENCY)

That based on the foregoing Recitals and the evidence contained in the administrative record as set forth above, the City Council finds that the Proposed Project is consistent with the goals, objectives, policies, and programs of the General Plan.

Section 6. SEVERABILITY

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

Section 7. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of The Towngate Specific Plan (SP 200) as heretofore adopted by the City of Moreno Valley that are in conflict with the provisions of this Ordinance are hereby repealed.

DRAFT

Section 8. EFFECTIVE DATE

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

Section 9. CERTIFICATION

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

DRAFT

INTRODUCED at a regular meeting of the City Council on __ ____, 2023,
and PASSED, APPROVED, and ADOPTED by the City Council on __ ____, 2023,
by the following vote:

Ulises Cabrera
Mayor of the City of Moreno Valley

ATTEST:

Jan Halstead, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Attachment: Resolution No. 2023-16 Specific Plan Amendment (6242 : Moreno Valley Mall Redevelopment Project)

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE)

ss. CITY OF MORENO VALLEY

)

I, _____, City Clerk of the City of Moreno Valley, California,
do _____

hereby certify that Ordinance No. YYYY-____ was duly and regularly adopted by the City

Council of the City of Moreno Valley at a regular meeting thereof held on the

_____ day of ____, YYYY, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

RESOLUTION NUMBER 2023-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE TENTATIVE PARCEL MAP 38420 FOR THE MORENO VALLEY MALL REDEVELOPMENT PROJECT LOCATED WITHIN THE TOWNGATE SPECIFIC PLAN (SP200)- PLANNING AREA 2 (APN'S 488- 340-002 THROUGH 488-340-012)

WHEREAS, the City of Moreno Valley ("City") is a general law city and a municipal corporation of the State of California, and has the authority to approve Parcel Maps pursuant the Subdivision Map Act as set forth in Government Code sections 66410 et seq. and Chapter 914 (Land Divisions) of Title 9 (Planning & Zoning) of the Moreno Valley Municipal Code; and

WHEREAS, Moreno Valley Mall Holding, LLC, a limited liability company (the "Applicant") proposes the revitalization and redevelopment of a portion of the existing Moreno Valley Mall (the "Proposed Project"), which includes associated private internal driveways, parking facilities, and private/public infrastructure, as more fully described in the Final Subsequent Environmental Impact Report (FSEIR)(SCH# 2022040136), a copy of which is incorporated herein by this reference as though set forth in full; and

WHEREAS, the proposal is to construct the Proposed Project on land bounded by a loop road (Town Circle), located just south of the SR-60 and east of the I-215 (APN's 291-110-032, 291-110-033, 291-110-034, 291-110-035) ("Project Site"); and

WHEREAS, the Applicant has filed an application for the approval of Tentative Parcel Map 38420 to subdivide the Project Site's four (4) existing parcels into twenty-two (22) parcels within Planning Area 2A of the Towngate Specific Plan (SP-200), in connection with its Specific Plan Amendment (SPA) for modification to SP-200, creating two subareas: PA 2A and PA 2B; and

WHEREAS, the Proposed Project has been evaluated in accordance with Chapter 9.14 (Land Divisions) of Title 9 (Planning & Zoning) of the Municipal Code and other applicable laws and regulations; and

WHEREAS, Chapter 9.14 of Title 9 (Planning & Zoning) of the Municipal Code imposes conditions of approval upon projects for which a Tentative Parcel Map is required, which conditions may be imposed by the Planning Commission to address on-site improvements, off-site improvements, the manner in which the site is used and any other conditions as may be deemed necessary to protect the public health, safety and welfare and ensure that the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

WHEREAS, Staff has presented for the Planning Commission's consideration Conditions of Approval to be imposed upon Tentative Parcel Map 38420 (PEN22-0061), which conditions have been deemed necessary to protect the public health, safety and welfare and ensure that the Proposed Project will be developed in accordance with the

purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

WHEREAS, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Municipal Code and Government Code section 65905, a public hearing was scheduled for April 27, 2023 and notice thereof was duly published and posted, and mailed to all property owners of record within 600 feet of the Site; and

WHEREAS, on April 27, 2023, the public hearing to consider the Application was duly conducted by the Planning Commission at which time all interested persons were provided with an opportunity to testify and to present evidence; and

WHEREAS, consistent with the requirements of Chapter 9.14 (Land Divisions) of Title 9 (Planning and Zoning) of the Municipal Code, at the public hearing the Planning Commission considered Conditions of Approval to be imposed upon Tentative Parcel Map 38420 (PEN22-0061), which conditions were prepared by Planning Division staff who deemed said conditions to be necessary to protect the public health, safety and welfare and to ensure the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

WHEREAS, at the public hearing, the Planning Commission considered whether each of the requisite findings specified in Section 9.14.070 (Denial of Tentative Land Division Maps) of Title 9 (Planning & Zoning) of the Municipal Code and set forth herein could be made with respect to the Proposed Project as conditioned by Conditions of Approval; and

WHEREAS, on April 27, 2023, in accordance with the provisions of the California Environmental Quality Act (CEQA) and CEQA Guidelines, the Planning Commission considered and recommended that the City Council certify a Subsequent Environmental Impact Report for the Project.

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

Section 1. Recitals and Exhibits

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

Section 2. Notice Pursuant to Government Code Section 66020

That pursuant to Government Code section 66020(d)(1), notice is hereby given that the proposed project is subject to certain fees, dedications, reservations and other exactions as provided herein; and these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the ninety-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun.

Section 3. Evidence

That the Planning Commission has considered all of the evidence submitted into the Administrative Record related to the Project on file with the Community Development Department, including, but not limited to, the following:

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) City's Zoning Atlas and Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- (c) Application for the approval of Tentative Parcel Map 38420 to subdivide the Project Site's 4 parcels into 22 parcels; and
- (d) Draft and Final SEIR and all related notices, studies, reports, public comments and responses thereto;
- (e) Conditions of Approval (PEN22-0061);
- (f) Proposed Mitigation Monitoring and Reporting Program (MMRP) and the findings and determinations contained therein;
- (g) Proposed Statement of Overriding Considerations and the findings and determinations contained therein;
- (h) Planning Commission Staff Report and all exhibits, attachments, documents, records and references related thereto and the findings and determinations contained therein;
- (i) Presentation and comments submitted at the Planning Commission Public Hearing by City staff and consultants;
- (j) Testimony and/or comments submitted at the Planning Commission Public Hearing by the Applicant and its representatives; and
- (k) Testimony and/or comments submitted at the Planning Commission Public Hearing by all persons that was provided in written format or correspondence, at, or prior to, the Planning Commission Public Hearing.

Section 4. Findings

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

- (a) That the proposed map is consistent with applicable general and specific plans and the zoning ordinance;
- (b) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- (c) That the site is physically suitable for the type of development;
- (d) That the site of the proposed land division is physically suitable for the proposed density of the development;
- (e) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- (f) That the design of the subdivision or type of improvements is not likely to

cause serious public health problems;

(g) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision;

(h) That the proposed land division is not subject the Williamson Act pursuant to the California Land Conservation Act of 1965.

(i) That the proposed land division and the associated design and improvements are not consistent with applicable ordinances of the city.

(j) That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

(k) 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.

Section 5. Approval

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings set forth above, the Planning Commission hereby recommends that the City Council approve Tentative Parcel Map 38420 (PEN22-0061) subject to the Conditions of Approval for Tentative Parcel Map 38420 (PEN22-0061) attached hereto as Exhibit A.

Section 6. Repeal of Conflicting Provisions

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

Section 7. Severability

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

Section 8. Effective Date

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

Section 9. Certification

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

PASSED AND ADOPTED THIS 27th day of April, 2023

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin Dejohnette, Chairperson

ATTEST:

Sean P. Kelleher,
Acting Community Development Director

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Exhibits:
Exhibit A: Conditions of Approval (PEN22-0061)

Attachment: Resolution No. 2023-17 Tentative Map (6242 : Moreno Valley Mall Redevelopment Project)

Exhibit A

CONDITIONS OF APPROVAL PEN22-0061

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Tentative Parcel Map (PEN22-0061)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. A change or modification to the land use or the approved site plans may require a separate approval. Prior to any change or modification, the property owner shall contact the City of Moreno Valley Community Development Department to determine if a separate approval is required.
2. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 2

above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. This project is located within Specific Plan 200. The provisions of the specific plan, the design manual, their subsequent amendments, and the Conditions of Approval shall prevail unless modified herein. (MC 9.13)
8. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
10. In accordance with Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

Special Conditions

11. The site has been approved for Tentative Parcel Map 38420 to subdivide the existing four parcels into twenty-two parcels within the Planning Area 2A of the Towngate Specific Plan 200 in connection with its Specific Plan Amendment (SPA) for modification to SP-200, creating two sub areas: PA 2A and PA 2B. A change or modification shall require separate approval.
12. This approval shall comply with all applicable requirements of the Specific Plan 200

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 3

and/or the City of Moreno Valley Municipal Code.

13. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Specific Plan 200, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
14. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
15. A drought tolerant landscape palette shall be utilized in compliance with the City's Landscape Requirements. (9.17)
16. Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to and approved by the Planning Division. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)
17. Prior to the issuance of grading permits, grading plans shall be submitted to and approved by the Planning Division to ascertain that development and grading of all lots have been designed to reduce the extent of cut and fill and loss of coastal scrub vegetation. Grading plans shall incorporate multiple level foundations, custom foundations and/or split level pads in accordance with the City's Municipal Code. (MC 9.03.030)
18. All landscaped areas in perpetuity shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
19. Prior to issuance of building permit issuance, landscape plans (trees, shrubs and groundcover) for basins maintained by an HOA or other private entity shall be submitted to and approved by the Planning Division for the sides and/or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative (e.g. split face, color variation, pattern variation, or as approved by the Planning Official) wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Planning Official is required to secure all water quality and detention basins more than 18 inches in depth.
20. This tentative map shall expire three years after the approval date of this tentative

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 4

- 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)
21. Prior to the issuance of grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.
 22. Prior to any site disturbance and/or grading plan submittal, and or final map recordation, a mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant/owner. If multiple phases are proposed, separate Mitigation Monitoring applications/fee may apply as determined by the Community Development Director. No City permit or approval shall be issued until such fee is paid. (CEQA)
 23. Prior to issuance of a building permit, the developer/property owner or developer's successor-in-interest shall pay all applicable impact fees due at permit issuance, including but not limited to Multi-species Habitat Conservation Plan (MSHCP) mitigation fees. (Ord.)
 24. Prior to final map recordation, or building permit issuance, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to a separate Phasing Plan submittal for Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)
 25. Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan. The pre-construction survey shall be submitted to the Planning Division prior to any disturbance of the site and/or grading permit issuance.
 26. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following: The name and address of the development and the developer's name and address to include a 24-hour emergency phone number.
 27. Separate Plot Plans, including, Design Review (product approval), reviews are required for approval of the design of the future all development for Tentative Parcel Map 38420 per the Specific Plan 200.

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 5

28. Prior to building final, slope landscape and irrigation shall be installed, certified by the Landscape Architect with documentation provided to the Planning Division with an inspection performed and approved by the Planning Division. Landscaping on lots not yet having dwelling units shall be maintained by the developer weed and disease free. (MC 9.03.040)
29. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping, and common area use items such as general building maintenance (apartments, condominiums, and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

In addition, the following deed restrictions and disclosures shall be included within the document and grant deed of the properties:

- a. The developer and homeowners association shall promote the use of native plants and trees and drought-tolerant species.
 - b. All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.
 - c. Maintenance of any and all common facilities.
 - d. Oleander plants or trees shall be prohibited on open space lots adjacent to multi-use trails.
30. All undeveloped portions of the site in perpetuity shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
31. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
32. Prior to grading plan approval, wall and fence plans shall be submitted to and approved by the Planning Division subject to the design standards in the Specific Plan 200 and/or the City's Municipal Code, as approved by the Community Development Director.

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 6

Prior to Grading Permit

33. At least thirty days prior to issuance of any grading permit, the developer shall retain a qualified archaeologist, provide a letter identifying the name and qualifications of the archaeologist to the Planning Division for approval, to monitor all ground disturbing activities in an effort to identify any unknown archaeological resources and to evaluate and recommend appropriate actions for any archaeological deposits exposed by construction activity.

At least thirty days prior to issuance of a grading permit, the applicant shall provide evidence that contact has been established with the appropriate Native American Tribe(s), providing notification of grading, excavation and the proposed monitoring program and to coordinate with the City and Tribe(s) to develop a cultural resources treatment and monitoring agreement. The agreement shall address treatment of known cultural resources, the designation, responsibilities and participation of Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site.

A report documenting the proposed methodology for grading monitoring shall be submitted to and approved by the Planning Division prior to issuance of any grading permit. The monitoring archaeologist shall be empowered to stop and redirect grading in the vicinity of an exposed archaeological deposit until that deposit can be fully evaluated. The archaeologist shall consult with affected Tribe(s) to evaluate any archaeological resources discovered on the project site. Tribal monitors shall be allowed to monitor all grading, excavation and groundbreaking activities, and shall also have authority to stop and redirect grading activities in consultation with the project archaeologist.

The property owner shall relinquish ownership to the Tribe(s) of all Native American cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project site for proper treatment and disposition. All sacred sites, should they be encountered with the project site, shall be avoided and preserved as the preferred mitigation.

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

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 7

shall make a determination based on the provisions of CEQA and consideration of the religious beliefs, customs and practices of the Tribe(s).

34. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

COMMUNITY DEVELOPMENT DEPARTMENT**Building Division**

35. The proposed residential project (3 or more dwelling units) shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11A for accessibility standards for the disabled including access to the site, exits, kitchens, bathrooms, common spaces, pools/spas, etc.
36. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
37. All new structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Code, (CBC) Part 2, Title 24, California Code of Regulations including requirements for allowable building areas, allowable heights, occupancy separations, fire suppression systems, accessibility, etc.
38. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
39. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in the California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

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

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 8

41. New Moreno Valley businesses may adopt a “First Source” approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
42. New Moreno Valley businesses are encouraged to hire local residents.
43. 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.
44. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

45. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
46. The Fire Department emergency vehicular access road shall be (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. The approved fire access road shall be in place during the time of construction. Temporary fire access roads shall be approved by the Fire Prevention Bureau. (CFC 501.4, and MV City Standard Engineering Plan 108d)
47. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503 and MVMC 8.36.060)
48. 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)

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 9

49. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
50. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVLT 440A-0 through MVLT 440C-0)
51. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[1])
52. Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3) a - After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.
53. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
54. 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)
55. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
56. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
57. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than thirty (30) feet and an unobstructed vertical clearance of not less the

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 10

- thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
58. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9, MVMC 8.36.100[D])
 59. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
 60. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 61. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6” x 4” x 2 ½” x 2 ½”) (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
 62. Multi-family residences shall display the address in accordance with the Riverside County Fire Department Premises Identification standard 07-01. (CFC 505.1)
 63. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 64. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
 65. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
 66. Plans for private water mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 11

67. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering said waterflow for 2 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B)
68. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
69. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
70. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:
 - a. Be signed by a registered civil engineer or a certified fire protection engineer;
 - b. Contain a Fire Prevention Bureau approval signature block; and
 - c. Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT**Moreno Valley Utility**

71. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
72. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 12

and dedication of the utility system.

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

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

73. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.
74. This project shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City fiber optic cable improvements consisting of fiber optic cable, splices and termination equipment to serve the identified development and other adjoining, abutting, or benefiting projects as determined by Moreno Valley Utility along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all “fiber optic services” to and within the project.
75. This project shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to Moreno Valley Utility fiber optic cable improvements consisting of conduit, and pull boxes to serve the identified development and other adjoining, abutting, or benefiting projects as determined by Moreno Valley Utility along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all “fiber optic services” to and within the project.

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 13

76. This project is subject to a Reimbursement Agreement. The Developer is responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project.
77. This project shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to Moreno Valley Utility electric streetlight improvements consisting of streetlight poles, mast-arms, fixtures conduit, wiring, terminations and pull boxes to serve the identified development and other adjoining, abutting, or benefiting projects as determined by the Land Development Department along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all "street light services" to and within the project.

PUBLIC WORKS DEPARTMENT**Land Development**

78. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed.
79. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
- a. Map (recording prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan (prior to building permit issuance);
 - d. Street, Storm Drain, Sewer, and Water (prior to map approval);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. As-Built revision for all plans (prior to Occupancy release)
80. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to 90% security reduction or the end of the one-year warranty period of the public streets as approved by the City Engineer. If slurry is required, a slurry mix design shall be submitted for review and approved

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 14

by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

81. 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]
82. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
83. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
 - (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.

Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
84. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]
85. The maintenance responsibility of the proposed storm drain line shall be clearly

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 15

identified. Storm drain lines within private property will be privately maintained and those within public streets will be publicly maintained.

86. The proposed private storm drain system shall connect to the existing storm drain within Town Circle. A storm drain manhole shall be placed at the right-of-way line to mark the beginning of the publicly maintained portion of this storm drain.

Prior to Grading Plan Approval

87. Resolution of all drainage issues shall be as approved by the City Engineer.
88. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
89. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, parkway drains.
90. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
91. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa Ana Region of Riverside County" dated October 22, 2012. The F-WQMP shall be

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 16

submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of Biotreatment/Proprietary Flow Through bmps. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 2.

c. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.

d. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.

f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and structural approvals shall be made by the Building & Safety Division.

92. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.

d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.

93. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 17

for review and approved by the City Engineer per the current submittal requirements.

94. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
95. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
96. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.
97. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.

Prior to Grading Permit

98. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
99. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
100. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
101. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]

Prior to Map Approval

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 18

102. A copy of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review and approved by the City Engineer. The CC&R's shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.
103. Resolution of all drainage issues shall be as approved by the City Engineer.
104. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]
105. Maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
106. Under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (NPDES) as mandated by the Federal Clean Water Act, this project shall establish a Property Owners Association (POA) to finance the maintenance of the "Water Quality BMPs". Any lots which are identified as "Water Quality BMPs" shall be owned in fee by the POA.
107. The developer shall guarantee the completion of all related improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
108. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
109. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
110. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 19

Prior to Improvement Plan Approval

111. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
112. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
113. All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
114. Any missing or deficient existing improvements along the project frontage within <DESCRIBE> shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
115. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.
116. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
117. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.

Prior to Encroachment Permit

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 20

118. Any work performed within public right-of-way requires an encroachment permit.
119. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.

Prior to Building Permit

120. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.
121. For all subdivision projects, the map shall be recorded (excluding model homes). [MC 9.14.190]
122. For Commercial/Industrial projects, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
123. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
124. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).

Prior to Occupancy

125. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
126. The final/precise grade certification shall be submitted for review and approved by

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 21

the City Engineer.

127. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (MVU: SL-2), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Under grounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
128. For commercial, industrial and multi-family projects, a “Stormwater Treatment Device and Control Measure Access and Maintenance Covenant” shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
129. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
 - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.
130. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 22

project-specific WQMP are available for future owners/occupants.

e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.

f. Obtain approval and complete installation of the irrigation and landscaping.

Special Conditions

131. Prior to occupancy, full width improvements on Town Circle between Centerpoint Drive and Heritage Way are required. Any missing improvements shall be constructed and any damaged or substandard improvements shall be replaced. Pavement core samples shall be taken with full pavement removal and replacement if the street structural section does not meet current City standards. Otherwise, a minimum two-inch grind and overlay will be required.
132. Prior to occupancy, full width improvements on Town Circle between the northwest boundary of Tentative Parcel Map 38420 and Centerpoint Drive and also between Heritage Way and Eucalyptus Avenue are required. Any missing improvements shall be constructed and any damaged or substandard improvements shall be replaced. A minimum two-inch grind and overlay will be required over these privately maintained segments of Town Circle.

Special Districts Division

133. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
134. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
135. Damage. 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.

Prior to Building Permit

136. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 23

payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SAdmin@moval.org.

137. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SAdmin@moval.org to determine if this condition is applicable.
138. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 24

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

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

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

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

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 25

must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

Prior to Map Approval

140. CFD 2014-01. Prior to City Council action authorizing the recordation of the final map, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Street Lighting Services for capital improvements, energy charges, and maintenance.

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funds

141. Park Maintenance Funding. Prior to City Council action authorizing the recordation of the map, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

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

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 26

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

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

142. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
143. A traffic signal shall be installed at the intersections of Town Circle and Memorial Way and Town Circle and Campus Parkway.
144. A traffic signal shall be installed at the intersection of Town Circle and Heritage Way. The intersection shall be designed to be a four-legged intersection.
145. The existing traffic signal at the intersection of Centerpointe Drive and Town Circle shall be modified from a T-intersection to a four-legged intersection. The intersection shall be designed to provide the following (at a minimum):
 - Northbound: One left turn lane, one through lane, and one shared through/right turn lane
 - Southbound: Two left turn lane, one shared through/right lane
 - Eastbound: One left turn lane and one shared through/right turn lane
 - Westbound: Two left turn lanes and one shared through/right turn lane.
146. Any additional right-of-way needed to provide improvements required by the conditions of approval herein shall be dedicated.
147. Prior to map approval, traffic signal plans will be required for new traffic signals located at the intersections of Town Circle and Campus Parkway, Memorial Way and Town Circle, and Heritage Way and Town Circle.
148. Prior to map approval, traffic signals at the following intersections shall be installed

CONDITIONS OF APPROVAL

Tentative Parcel Map (PEN22-0061)

Page 27

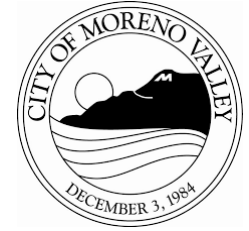
and fully operational per the approved plans to the satisfaction of the City Engineer:

- Town Circle and Campus Parkway
- Memorial Way and Town Circle
- Heritage Way and Town Circle
- Centerpointe Drive and Town Circle

149. Prior to map approval, the Applicant shall pay the project's fair share contributions to the City of Moreno Valley and neighboring agencies for the improvements identified in the traffic study prepared by Kittleson and Associates, dated August 19, 2022.
150. Prior to map approval, signing and striping plans shall be submitted for approval for streets within project area. Class III bike routes shall be provided along Town Circle between Memorial Way and Centerpointe Drive. Signing and striping shall be completed per the approved plans to the satisfaction of the City Engineer prior to map approval.
151. In the event bus turnouts are required by the City of Moreno Valley and Riverside Transit Agency (RTA) along project frontage prior to map approval, bus turnouts shall be designed and constructed per City Standard Plan No. MVS1-161-0 and RTA's design requirements prior to map approval.

PARKS & COMMUNITY SERVICES DEPARTMENT

152. This project is subject to current Development Impact Fees.



MORENO VALLEY MALL



SPECIFIC PLAN AMENDMENT

March 2023

Attachment: Specific Plan 200 TownGate Specific Plan (SP 200) Amendment (6242 : Moreno Valley Mall



Draft

MORENO VALLEY MALL SPECIFIC PLAN AMENDMENT

March 2023

Prepared For:
City of Moreno Valley

Submitted By
Kimley-Horn

Prepared By:

Kimley»Horn

Kimley-Horn and Associates
1100 Town and Country Road
Orange, California 92868

In Association with:
Nelson WW
CDPC

Attachment: Specific Plan 200 TownGate Specific Plan (SP 200) Amendment (6242 : Moreno Valley Mall



MORENO VALLEY MALL - SPECIFIC PLAN AMENDMENT

Table of Contents

1 INTRODUCTION

- 1.1 Context and Setting1-1
 - 1.1.1 Area and Ownership1-1
 - 1.1.2 Existing Setting and Surrounding Uses1-1
 - 1.1.3 Existing General Plan and Zoning1-8
 - 1.1.4 Relationship to CEQA and Past CEQA Documentation1-9
- 1.2 Authority and Requirements.....1-9
- 1.3 Goals and Objectives1-10
- 1.4 Guiding Principles.....1-11
- 1.5 Background and History.....1-13
- 1.6 Organization.....1-14

2 DEVELOPMENT PLAN

- 2.1 Land Use Context and Vision.....2-1
- 2.2 Placemaking and Community Design Strategy.....2-1
 - 2.2.1 Arrival Experience.....2-2
 - 2.2.2 The Urban Street2-2
 - 2.2.3 Entry Plaza.....2-2
 - 2.2.4 Central Plaza2-3
 - 2.2.5 The Spaces in Between2-3
- 2.3 Land Use Plan2-9
- 2.4 Open Space2-11

- 2.5 Landscape Concept 2-13
- 2.6 Circulation and Mobility..... 2-13
 - 2.6.1 Vehicular Circulation..... 2-13
 - 2.6.2 Pedestrian and Bicycle Mobility 2-19
 - 2.6.3 Parking 2-19
 - 2.6.4 Public Transit 2-20
 - 2.6.5 Pick-up/Drop-off Areas 2-20
- 2.7 Infrastructure and Public Facilities 2-20
 - 2.7.1 Water 2-21
 - 2.7.2 Wastewater 2-22
 - 2.7.3 Grading..... 2-22
 - 2.7.4 Drainage and Water Quality..... 2-23
 - 2.7.5 Dry Utilities..... 2-24
 - 2.7.6 Fiber Optics 2-25
 - 2.7.7 Solid Waste..... 2-29
 - 2.7.8 Police and Fire Services..... 2-29
 - 2.7.9 Schools 2-29

3 DEVELOPMENT REGULATIONS

- 3.1 General Provisions 3-1
 - 3.1.1 Determination of Unlisted Uses/Interpretation..... 3-1
 - 3.1.2 Definitions 3-1



3.1.3	Nonconforming Buildings, Lots, and Uses	3-2	4.3.1	Architectural Character.....	4-7
3.1.4	Performance Standards	3-2	4.3.2	Form and Massing	4-8
3.1.5	Height	3-3	4.3.3	Materials and Colors.....	4-11
3.2	Permitted Uses.....	3-3	4.3.4	Windows, Doors, and Storefronts	4-13
3.3	Site Development Standards.....	3-5	4.3.5	Sustainable Design.....	4-14
3.4	Architectural Standards	3-6	4.4	Parking Lot/Structure Design Guidelines	4-14
3.5	Parking Standards.....	3-6	4.4.1	Parking Facilities and Vehicular Access.....	4-14
3.6	Parking Landscape Standards.....	3-7	4.4.2	Parking Structures	4-17
3.7	Landscape Standards	3-7	4.5	Streetscapes/Open Space Guidelines	4-19
3.8	Signage.....	3-9	4.5.1	General Design Criteria	4-19
3.9	Lighting	3-9	4.5.2	Open Space	4-22
3.10	Utilities.....	3-10	4.5.3	Special Edge Treatment Areas.....	4-24
4 DESIGN GUIDELINES			4.5.4	Design Features	4-24
4.1	Design Guidelines Introduction.....	4-1	4.6	Signage and Wayfinding.....	4-25
4.1.1	Purpose	4-1	4.7	Landscape Guidelines	4-31
4.1.2	How to Use the Design Guidelines	4-1	4.7.1	General Landscape Guidelines	4-32
4.1.3	Modification of the Existing Mall	4-1	4.7.2	Water Conservation Guidelines.....	4-34
4.1.4	Related Standards and Guidelines	4-1	4.7.3	Irrigation.....	4-35
4.1.5	Guiding Principles.....	4-2	4.7.4	Coverage	4-36
4.2	Site Planning and Building Placement Guidelines ...	4-2	4.7.5	Planting	4-36
4.2.1	Building Placement and Orientation	4-2	4.8	Lighting.....	4-37
4.2.2	Site Access, Service Areas, and Utilities Guidelines	4-4	4.8.1	General Lighting Guidelines	4-37
4.2.3	Design Objectives	4-6	4.9	Sustainable Design.....	4-38
4.3	Architectural Design	4-7			



5 ADMINISTRATION AND IMPLEMENTATION

- 5.1 Administration.....5-1
 - 5.1.1 Responsibility and Enforcement5-1
 - 5.1.2 Applicability.....5-1
 - 5.1.3 Severability.....5-1
 - 5.1.4 Other Uses & Interpretation5-1
 - 5.1.5 Initial Entitlements5-1
 - 5.1.6 Minor Modifications5-2
 - 5.1.7 Variances.....5-4
 - 5.1.8 Specific Plan Amendments.....5-4
 - 5.1.9 Appeals5-5
- 5.2 Implementation.....5-5
 - 5.2.1 Adoption5-5
 - 5.2.2 Subsequent Approvals.....5-5
 - 5.2.3 Transfers between Parcels.....5-6
 - 5.2.4 Land Use Conversion5-6
 - 5.2.5 Maintenance and Ownership.....5-7
 - 5.2.6 Conceptual Phasing Plan.....5-7
 - 5.2.7 General Plan Consistency.....5-7

Tables

- Table 1-1: Moreno Valley Mall Acreage..... 1-1
- Table 1-2: Land Use and Quantity Summary..... 1-8
- Table 1-3: MVM SPA PA-2 Density Calculation 1-8
- Table 1-4: Use and Quantity Summary 1-13
- Table 2-1: PA-2A Land Use Summary..... 2-9
- Table 2-2: PA-2A Anticipated Land Uses by Parcel..... 2-9
- Table 2-3: Service Providers 2-21
- Table 3-1: PA-2A Permitted Uses 3-4
- Table 3-2: PA-2A Development Standards..... 3-5
- Table 3-2: PA 2A Development Standards (Continued)..... 3-5
- Table 3-3: PA-2A Parking Standards 3-6
- Table 5-3 Financing, Ownership, and Maintenance 5-7

Figures

- Figure 1-1: Location Map 1-3
- Figure 1-2: Specific Plan Amendment Area (PA 2A) 1-4
- Figure 1-3a: Existing Mall 1-5
- Figure 1-3b: Existing Site Photos 1-6
- Figure 1-3c: Existing Site Photos..... 1-7
- Figure 2-1: Arrival Experience 2-4
- Figure 2-2: The Urban Street 2-5
- Figure 2-3: Central Plaza 2-6



Figure 2-4: The Spaces in Between.....2-7

Figure 2-5: Placemaking Connections.....2-8

Figure 2-6: Land Use Plan.....2-10

Figure 2-7: Conceptual Open Space2-12

Figure 2-8: Circulation Plan2-15

Figure 2-9a: Street Cross-Sections2-16

Figure 2-9b: Section A1 – Private Drive2-17

Figure 2-9d: Section C – Private Drive2-17

Figure 2-9c: Section A2 – Private Drive.....2-17

Figure 2-9e: Section B – Town Circle, Public.....2-17

Figure 2-10: Non-Vehicular Circulation Plan.....2-18

Figure 2-11: Water Plan2-26

Figure 2-12: Sewer Plan2-27

Figure 2-13: Drainage Plan.....2-28

Appendix

Appendix A: Plant Palette

1 INTRODUCTION



1.1 Context and Setting

Moreno Valley Mall (MVM) has evolved over several decades, from the original shopping center to the present mall of approximately 92 acres with approximately 1.03-million square feet of existing commercial uses. MVM makes up Planning Area 2 (PA2) within the Towngate 200 Specific Plan (SP-200), which was originally approved by the City Council on October 27, 1987, and subsequently amended. Amendment 3, approved in 1991, re-targeted PA2 land use to more commercial retail uses.

This Specific Plan Amendment (SPA) is a modification to SP-200, creating two subareas: PA 2A and PA 2B (See Figure 1-2). PA 2A will comprise of approximately 59 acres having 2.8 million square feet, with private internal driveways, parking facilities, private and public infrastructure. The balance of the mall site will become PA 2B and makes up approximately 33.9 acres and has 377,594 square feet including private drives and parking facilities. The SPA will establish the standards and guidelines for further development and redevelopment of PA 2A, while PA 2B will continue to defer to SP-200.

This plan will modify the current zoning to allow more flexibility in the further development of the site, adding residential, retail, office and hospitality uses. This diverse mixture of uses implements the vision of the General Plan’s Center Mixed Use land use designation for this site.

1.1.1 Area and Ownership

The MVM is bounded by a loop road (Town Circle), located just south of the SR-60 and east of the I-215. Regional access is from Frederick Street from the east, Day Street from the west. The SPA excludes those properties owned by Macey’s, JCPenney and SR-60 frontage. Exhibit 1-1, *Location Map*, and Exhibit 1-2, *Specific Plan Amendment Area (PA 2A)*, shows MVM location and defined area of the SPA.

Table 1-1, *Moreno Valley Mall Acreage*, breaks down the acreage by PA-2A and PA-2B.

Table 1-1: Moreno Valley Mall Acreage		
Tentative Parcel Map No. 38420 (APN Reference)	Acreage	
	PA-2A	PA-2B
Existing Mall: 1, 5, 20	24.0	
Future Re-Development: 2, 3, 7, 9, 11, 12, 15, 17, 18	16.7	
Plaza/Park: 14	1.5	
Parking, Private Streets/Drives 4, 6, 8, 10, 13, 16, 19, 21, 22	16.4	
SR-60 Frontage (291-110-051)		2.8
Town Circle (291-110-052)		9.6
JCPenney (291-110-036)		10.1
Macy’s (291-110-037)		11.4
Sub-Total	58.6	33.9
TOTAL	92.5	

Sources: Assessor’s Map BK291, Page 11. Acreages are approximate and rounded. Note: Acreages are rounded.

1.1.2 Existing Setting and Surrounding Uses

MVM is approximately 92.5 total acres, which includes the existing mall, surrounding parking, Town Circle private street and the frontage parcel adjacent to SR-60. MVM is broken into multiple parcels based on Tentative Parcel Map (TPM) No. 38420 for PA-2A, and Assessor’s Parcel Map, Book 291, Page 11 for PA-2B.

INTRODUCTION | 1

Land uses surrounding the Specific Plan Area are predominantly large roadways and freeways and commercial uses, including residential and hospitality uses to the south. The approximately 59-acre PA 2A is surrounded by the following uses:

North: SR-60 (Moreno Valley Freeway).

South: Town Circle, residential apartment homes, Hampton Inn & Suites, and 24-Hour Fitness.

East: Town Circle, and commercial uses such as Burlington and Ross Dress for Less.

West: Town Circle, and commercial uses such as Jerome's Furniture and Lowe's Home Improvement.

Primary access to the Specific Plan Area is from Town Circle, which provides access to Frederick Street to the east by way of Centerpoint Drive and Day Street to the west by way of Campus Parkway. Topographically, MVM has a split elevation with about 20-feet of grade difference from upper level toward the north side. There are large parking fields to access the two-level Mall. Three parking fields access the upper level of the Mall and three parking fields access the lower level of the Mall. See Figures 1-3b – 1.3c, *Existing Site Photos*.

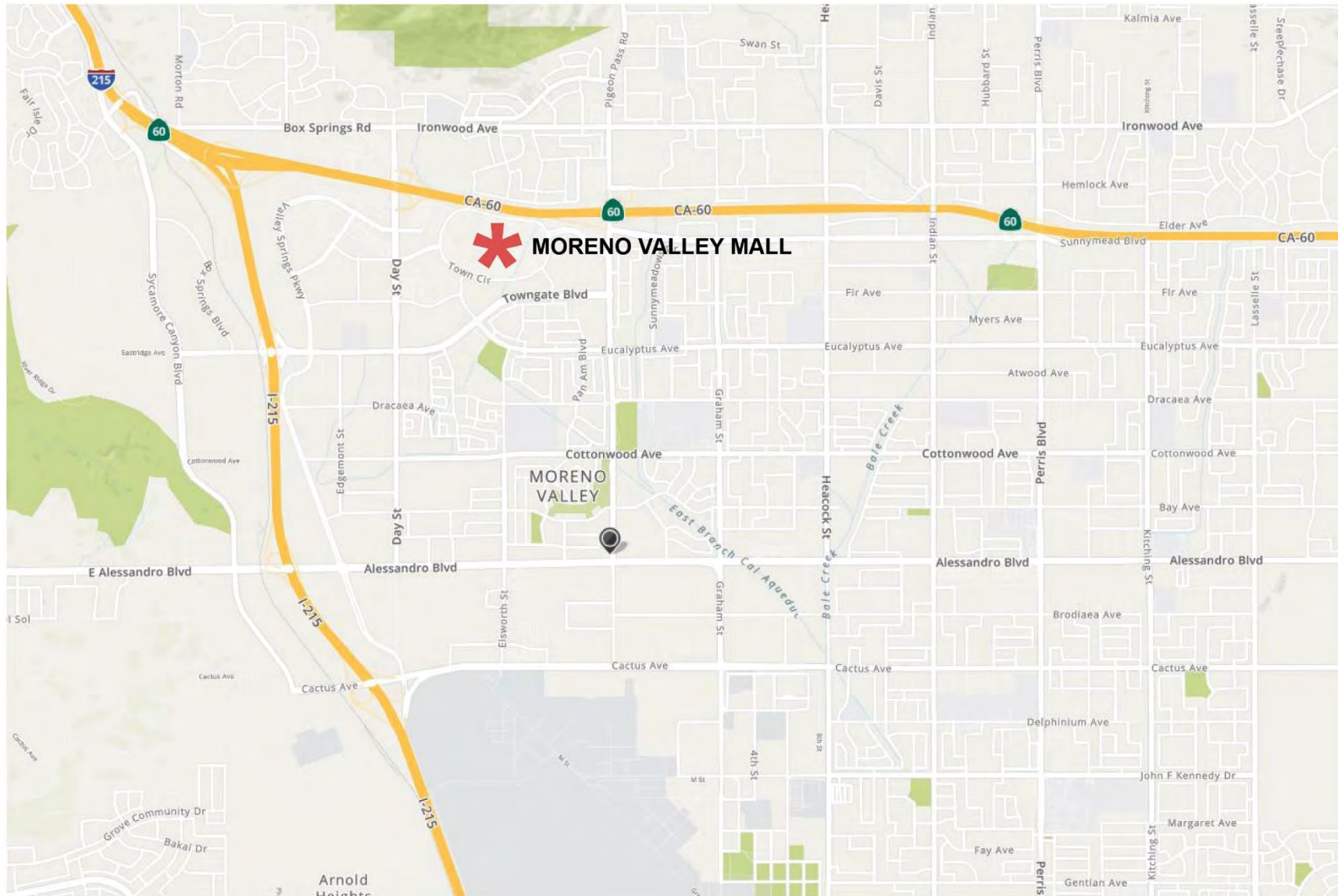


Figure 1-1: Location Map



Figure 1-2: Specific Plan Amendment Area (PA 2A)

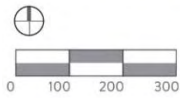
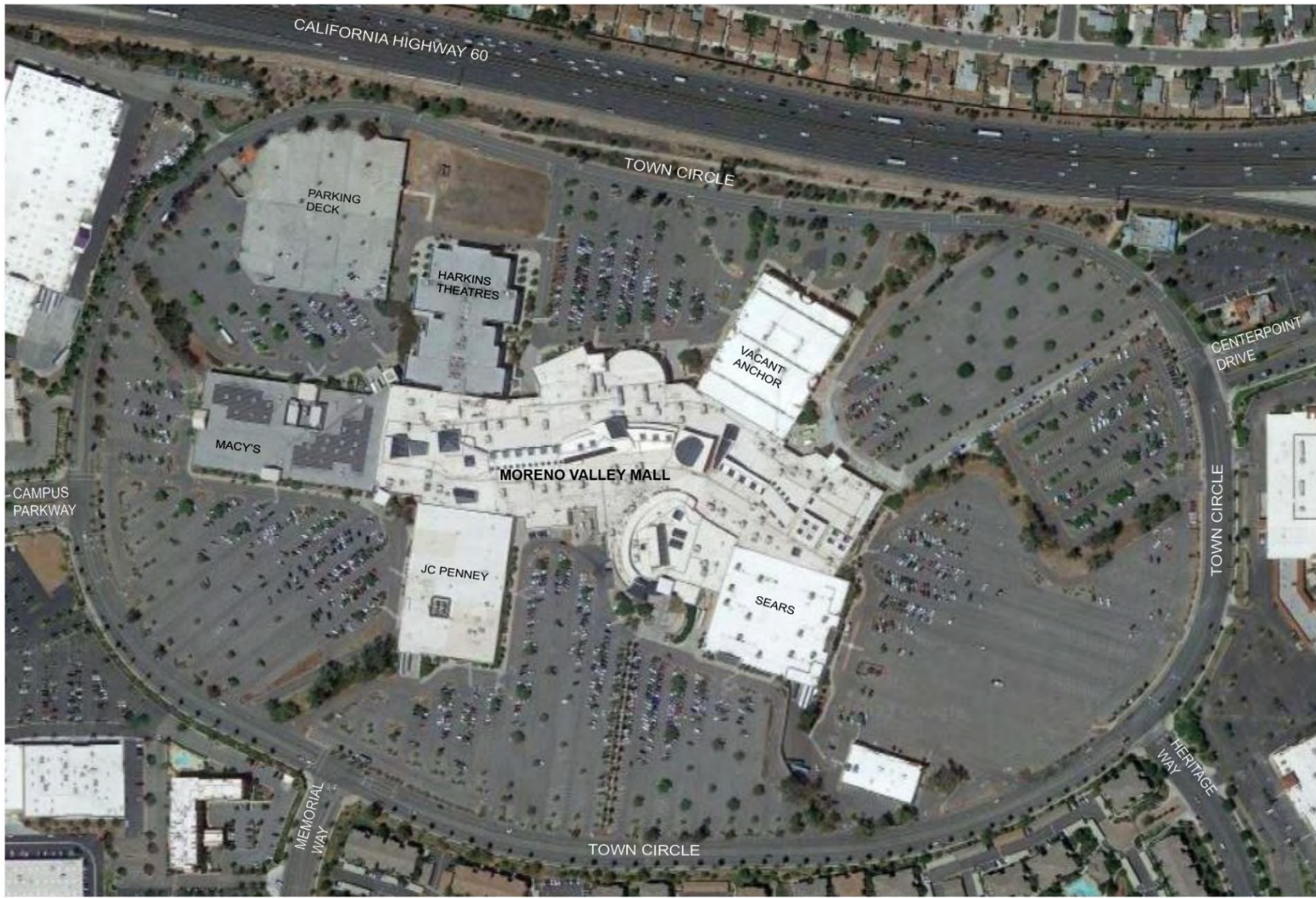


Figure 1-3a: Existing Mall

Attachment: Specific Plan 200 TownGate Specific Plan (SP 200) Amendment (6242 : Moreno Valley Mall



Figure 1-3b: Existing Site Photos

Attachment: Specific Plan 200 TownGate Specific Plan (SP 200) Amendment (6242 : Moreno Valley Mall



Figure 1-3c: Existing Site Photos

1.1.3 Existing General Plan and Zoning

A. General Plan

Moreno Valley General Plan 2006 Land Use Element identifies the site as Commercial, with focus of regional commercial uses. The Zoning prior to 2021 amended Zoning identified MVM as SP 200 Mixed Use Community (MUC) Overlay District. The intent is to provide opportunities for the development of pedestrian-oriented blocks with residents, visitors, and employees from the surrounding community. Horizontally or vertically integrated mixed-use development, with no requirement for ground-floor retail, is allowed in other locations. For MUC, there is a maximum of 1.0 Floor Area Ratio and maximum of 30 units per acre.”

MoVal 2040 General Plan Land Use Element identifies the site as Center Mixed Use (CEMU) and is envisioned to be integrated, pedestrian-oriented places with a mix of uses including retail, dining, entertainment, offices, lodging, high density residential, recreational, and cultural facilities that cater to both motorists passing through and residents of surrounding neighborhoods. For CEMU, there is a maximum of 1.25 FAR and residential density range of 20-35 dwelling units per acre.

MVM SPA FAR and Density shall be based on maximum established with the approved GPA and Zoning. Table 1-2 shows that MVM SPA is within the Maximum FAR and density permitted under both the 2006 GPA and MoVal 2040 with the zoning of SP-200 MUC and confirms compliance (see Table 1-3, *MVM SPA PA-2 Density Calculations*).

The site is also identified as being within a redevelopment area, which is no longer active after the elimination of Redevelopment Agencies in California. MVM is also identified as a Qualified Opportunity Zones (QOZs). QOZs were created by the Tax Cuts and Jobs Act (TCJA) signed into law in December 2017. The initiative is

specifically intended to grow investments. To facilitate economic growth, municipalities may encourage development with higher densities to facilitate housing and accommodate new development.

**Table 1-2:
Land Use and Quantity Summary**

	MVM SPA PA-2		
	PA 2A	PA 2B	PA2 Total
Existing			
Retail - Existing	819,308	309,394	1,128,702
Retail - Reduction	(16,344)	---	(16,344)
Sub-total	802,964	309,394	1,112,358
Proposed			
Retail	40,000	---	40,000
Office	60,000	---	60,000
Hotel	182,000	---	182,000
Residential SF	1,867,700	---	1,867,700
Sub-total	2,149,700	---	2,149,700
TOTAL SF	2,952,664	309,394	3,262,058
Residential Units	1,627		1,627
Hotel Rooms	270		270
Plaza/OS Acres	1.9 ac		1.9 ac

**Table 1-3:
MVM SPA PA-2 Density Calculation**

Land Use Designation Zoning Designation	2006 GPA	MoVal 2040	MVM SPA
	Commercial SP 200 MUC	CEMU SP-200 MUC	
MAX FAR	1.0	1.25	0.81
Max Square Feet	4 MSF	5 MSF	3.3 MSF
MAX Density	30 du/ac	35 du/ac	18 du/ac
Max DU	2,787	3,252	1,627

General Notes
Density Calculation based on MVM total area.
Million Square Feet (MSF); Dwelling Unit (DU)

B. Zoning

The SP designation further defines the General Plan land use, described as providing the commercial needs of the region, as well as providing residential, hospitality, office, and general services to the community. The SPA, upon adoption by the City Council, would become the zoning for the property and would define the allowable uses within its boundaries.

1.1.4 Relationship to CEQA and Past CEQA Documentation

The City of Moreno Valley is the lead agency for purposes of environmental review under the California Environmental Quality Act (CEQA). MVM, Planning Area 2 within Towngate 200 Specific Plan, has been the subject of prior environmental review.

The Towngate 200 Final Environmental Impact Report (Final EIR) was certified by the City of Moreno Valley in 1986. The Final EIR was prepared to evaluate the potential impacts associated with buildout of the project site with 238 acres of commercial uses and 2,423 residential units, which was subsequently amended and reduced the units to 1,979 (May 1993).

The project site was within a Redevelopment area as set forth in the Redevelopment Plan of Moreno Valley and a Participation Agreement between City's Redevelopment Agency and Towngate Regional Mall (August 1990).

In 1993, the City prepared an Addendum to the Final EIR to evaluate a then-proposed amendment to Towngate 200 (Amendment 1). The Addendum concluded that reliance on the prior Final EIR was appropriate because "the proposed amendment does not raise new issues about the significant effects on the environment."

1.2 Authority and Requirements

A "Specific Plan" is a planning and regulatory tool made available to local governments by the State of California. Specific plans

implement an agency's General Plan through the development of policies, programs, and regulations that provide an intermediate level of detail between General Plans and individual development projects. State law stipulates that specific plans can only be adopted or amended if they are consistent with an adopted General Plan.

This SPA implements the goals and policies of the General Plan, serves as an extension of the General Plan, and can be used as both a policy and a regulatory document. The purpose of this Specific Plan Amendment is to implement the vision laid out in the executive summary by providing goals, policies, programs, development standards, and design guidelines to direct further development within PA 2A. The SPA supersedes any other SP-200 and related amendments where PA 2A is referenced.

The local authority to prepare and adopt a Specific Plan and the requirements for its contents are set forth in the City of Moreno Valley Municipal Code (MVMC), Chapter 9.13.050. Specific Plans may be adopted by ordinance as stated in MVMC Chapter 9.13.080.

The authority to prepare and adopt a Specific Plan and the requirements for its contents are set forth in California Government Code Sections 65450 through 65457. Section 65451 states:

A Specific Plan shall include a text and a diagram or diagrams which specify all of the following in detail:

- *The distribution, location, and intent of the uses, including open space, within the area covered by the plan.*
- *The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described by the plan.*

INTRODUCTION | 1

- *Standards and criteria by which the development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.*
- *A program of implementation measures including programs, public works projects, and financing measures.*
- *The Specific Plan shall include a statement of the relationship of the Specific Plan to the General Plan.*

1.3 Goals and Objectives

The goals for the PA 2A redevelopment as described in this Specific Plan Amendment is to provide:

- a plan that allows for the revitalization of PA 2A, adapting to changing market conditions and providing economic benefits to the City;
- a long-term development plan that encourages and facilitates new uses of high quality and design;
- a mixed-use village that serves as a regional anchor to the area and draws upon the vibrancy of established neighborhoods, businesses, and community amenities nearby;
- integration of the project into an established urban fabric with established neighborhoods in the immediate vicinity;
- a mixture of uses that reduces vehicle miles traveled through internal capture of trips and carries out the intent of the City's Climate Action Plan;
- a plan that facilitates private investment in the development;
- flexibility in development while achieving community goals;
- creation of new and future employment opportunities.
- a mixture of high-quality housing and ground level commercial uses;

- a circulation system responsive to the needs of vehicular, bicycle, and pedestrian travel;
- landscaping appropriate to the level of development and sensitive to surrounding uses;
- architecture which responds to and enhances the property with timeless architectural style;
- a visually harmonious development as viewed both internally and externally;
- a project that has an architectural language promoting the varied uses while working with the contextual and regional vernacular of Southern California;
- provision of adequate parking including a shared parking program.

1.4 Guiding Principles



GUIDING PRINCIPLE 1

Enhance the Mall as an Iconic Local Shopping Destination.

The Moreno Valley site has served as a local shopping destination within the Moreno Valley community since early 1990. In 1986, the majority of the MVM was envisioned into its current condition. Over the years, the property has changed ownership and various major and minor tenants have come and gone, but the concept of Moreno Valley as a shopping destination has remained constant.

New development within the Specific Plan area should respect the history of the site and work to preserve and improve the concept of the area as a forward-thinking shopping and entertainment hub within the Inland Empire. This should not deter new and creative design and uses, but instead ensure that future design and mixtures of uses are in keeping with the overall function of the area as a premier commercial shopping destination.

As new uses develop within the Specific Plan area, they will likely bring additional investment by way of potential physical improvements, increased tenant diversity, and more rooftops, daytime employment, and tourism within close range of Moreno Valley to utilize the goods and services provided.



GUIDING PRINCIPLE 2

Offer a Unique Lifestyle and Entertainment Experience.

MVM is first and foremost a retail and entertainment destination serving the diverse and growing population of Moreno Valley. The SPA envisions PA 2A area as a collection of interactive spaces that fosters a true cultural and community center. Future development of the site will be a mixture of retail, office, multifamily, and hospitality uses in a more densely developed setting.

The combination of added uses and new overall identity and brand vision for MVM is intended to provide a new destination for the region that is recognized as the next generation in shopping, living, and playing lifestyles. The property will provide visitors with a range of experiences and social opportunities. The interrelation of these uses into one cohesive experience will be the defining element of the area and create an economic and social hub for the Inland Empire. The incorporation of job-creating uses, and housing will also drive a walkable environment that is focused on the user.

PA 2A also incorporates strategically placed programmable open space. These areas can transition easily from a passive use to a temporary active or experiential use, such as a small concert, farmers market, or pocket park. These types of spaces allow for PA 2A to be fluid and responsive to engage the community's needs aspirations.



GUIDING PRINCIPLE 3
Promote a Diverse Mixture of Uses

New development should incorporate a mixture of residential, commercial, hospitality, and other uses to create a vibrant tapestry of users throughout all times of the day and night.

The dynamic of technology, services, and convenience are evolving at an ever-greater pace. Traditional retailers are adapting to new demands of today’s consumers, which leads to new concepts and business models. The guideline of this SPA shall enable local entrepreneurs, businesses, and creatives to take advantage of a diverse environment where there is potential to live, work and play together. PA 2A will bring economic development into the Moreno Valley Mall area and will diversify new tax revenues.

PA 2A will benefit from an infusion of an eclectic mixture of experiences and uses. The design of new development and commons spaces that connect parcels shall be flexible to support a creative overlap. This will ensure that the Specific Plan area is able to adapt over time and allow the uniqueness of the Moreno Valley people and culture to shine.



GUIDING PRINCIPLE 4
Promote Moreno Valley Cultural Experience

The City of Moreno Valley is experiencing growth and change in many areas. This is especially prevalent along west edge of the city. As a part of this growth, future development within the MVM area will serve to complement the nearby growth of University of California Riverside and outdoor venues such as UC Riverside botanic Gardens and Sycamore Canyon Wilderness Park.

This collection of outdoor and educational icons will allow for opportunities to promote the history of Moreno Valley. This may happen within PA 2A through an emphasis on learning exhibitions, public art, community events, and culturally relevant programming.

It is important that the PA 2A celebrates the region’s rich history, from the original rock art, pictographs and petroglyphs found in this flourishing valley from 2,300 years ago to the dynamic Riverside Race history, to the current history and people who make Moreno Valley the community it is today.

1.5 Background and History

In the early 1990s, MVM was developed as an enclosed mall, with initial anchor stores being Sears, JCPenney, May Company and Harris Department Stores and had about 140 other specialty stores. At that time, an Environmental Impact Report was prepared and certified for the full build-out of that entitlement (see Table 1-1).

PA 2 was demised into 8 parcels based on Parcel Map 27143. The proposed project would modify these past approvals, adding residential uses and subdividing the property as appropriate.

The present mall includes 1,167,702 square feet of retail uses within an enclosed mall building, a two-level parking structure, and surface parking. PA 2A looks to diversify the commercial types of uses on-site by adding a gym, furniture home store, restaurants, and additional retail in the mall. In addition, PA 2A will incorporate residential (multifamily), hospitality and office use to further expand MVM as a mixed-use development. See Table 1-4, *Use and Quantity Summary*.

Table 1-4: Use and Quantity Summary				
	SP-200 PA 2	MVM SPA PA 2		
		PA 2A	PA 2B ¹	Total
Retail	1,250,000	842,964	309,394	1,152,358
Office	---	60,000	---	60,000
Hotel	---	182,000	---	182,000
Residential SF	---	1,867,700	---	1,867,700
Total SF	1,250,000 SF	2,952,664 SF	309,394 SF	3,262,058 SF
Residential Units	---	1,627 units	---	1,627 units
Hotel Rooms	---	270 rooms	---	270 rooms
Open space/Plaza	---	1.9 Acres	---	1.9 Acres

¹ Square footages indicated in Table 1-4 for PA 2B are existing square footages.

INTRODUCTION | 1

1.6 Organization

Section 1 – Introduction

This section explains the purpose of the Specific Plan Amendment; local and regional context and setting; background; planning process and entitlements; guiding principles; authority to prepare; relationship to existing plans and policies; and organization of the Specific Plan Amendment.

Section 2 – Development Plan

This section explains the conceptual land use plan for the Specific Plan Area (PA 2A); identifies land use policies and defines the land use designations unique to the Specific Plan Amendment. The circulation, drainage, water and sewer, grading, and public services plans are also described.

Section 3 – Development Regulations

This section explains the development standards for the land uses established in the Development Plan, including the standards for allowable uses, setbacks, parking, and signage.

Section 4 – Design Guidelines

This section explains design concepts and establishes design guidelines for development in the PA 2A and illustrates the landscape elements of the project.

Section 5 – Administration and Implementation

This section discusses the development review procedures by the City of Moreno Valley and other relevant permitting agencies, applicable to the Specific Plan Area. Implementation of the proposed land uses, including Specific Plan adoption, subsequent approvals and plans, substantial conformance findings, and phasing are outlined in this chapter. Additionally, financing sources and maintenance responsibilities are identified.



The illustrative examples included in this Specific Plan Amendment, including graphic illustrations, renderings, and photos, are illustrative, including with respect to number of buildings, building location and orientation, alignment of streets, placement, and size of private recreation areas.

Unless otherwise specified, all graphic illustrations and photos shall be interpreted as one possible design and shall not be considered definitive.

2 DEVELOPMENT PLAN



2.1 Land Use Context and Vision

The Specific Plan Area is an entertainment and shopping destination serving the population of the City of Moreno Valley as well as Riverside County. PA 2A contains approximately 59 acres and comprised of twenty-two proposed parcels as part of TPM No. 38420. The total acreage does not include the narrow 2.8-acre portion of land between Town Circle and fronting SR-60. PA 2A includes a portion of the existing mall structure which presently contains approximately 377,594 square feet of commercial uses. Future improvements will modify a portion of Lot 5, reducing the retail square feet by 15,344 square feet for a total of 774,764 square feet retained retail within the existing mall (See Figure 2-6 *Land Use Plan*).

The Moreno Valley Mall Redevelopment envisions the creation of a new mixed-use district that supports the existing retail uses and provides opportunities to live, work, play, and grow with the community. The new diverse mixture of uses seeks to fulfill an evolutionary concept that defines the parameters of site planning and design to adapt to ever-changing market trends.

The Moreno Valley Mall Redevelopment looks to create a project that provides the next vision of community, focused on culture and quality of life. Moving beyond the traditional anchor store formula, PA 2A is now free to add an interdependent collection of uses that will support generations to come. To attract the current customer, visitor, guest, and contemporary resident, the land use program looks at adding a mixture of uses in addition to retail, including office, multifamily, and hospitality in a more densely developed setting.

The amplification of these uses in new and exciting ways will create a destination that is not solely focused on shopping but integrates an economic and social hub that compliments and celebrates the existing culture of Moreno Valley.

The development vision:

- A vibrant mixed-use district.
- A live-work-play environment.
- A unique destination with a “Sense of Place.”
- A revitalized retail heart containing complementary uses.
- A re-imagined entertainment district – hotels, cinema, food hall, restaurants, experiential learning, commercial recreation, shops & event spaces.
- An emphasis of Moreno Valley’s cultural identity.
- A multi-family residential component to support new uses; and
- New business uses.

2.2 Placemaking and Community Design Strategy

Placemaking through densification is a critical component to the success of attracting residents, consumers, businesses, tourism, and other economic drivers to the area. The Placemaking and Community Design Strategy for the development of PA 2A anticipates and enriches the experience of future visitors to the site, from eye-catching and easy to understand entry monuments to existing pedestrian corridors and fully programmed and amenity-filled open spaces. The Placemaking and Community Design Strategy includes the following five components that, when considered holistically, create a unique live, work, and play experience for visitors:

- Arrival Experience
- The Urban Street
- Entry Plaza
- Central Plaza

- The Spaces in Between

The figures and images on the following pages (Figures 2-1 thru 2-5) illustrate where these conditions may occur within PA 2A. The images associated with each figure intended to convey the feeling of the area. They include examples of potential physical improvements, such as public art, overhead structures, seating, and signage, as well as potential programming that could occur in the common spaces, including community events, relaxation nodes, and areas to come together and connect with others.

Placemaking is based on a simple principle: if you plan spaces for people, then people will naturally gravitate to those places. Placemaking character is experienced at the pedestrian level and is the result of the interaction between building form and the pedestrian zone. Successful pedestrian-oriented places that are attractive, enjoyable, and memorable.

Figures 2-1 through 2-5 further describe the following Placemaking and Urban Design Strategy concepts.



Bold and definitive signage and overhead structures can create a sense of place as the first impression of the plan area.

2.2.1 Arrival Experience

The entry monumentation, signage, and landscaping are key components of the arrival experience for visitors, both on foot, bike, and by car. Large monuments or architectural features as canopies or archways will help to create a strong sense of destination and clearly define the entrances to the Specific Plan area. The design will reflect the personality of the project and a consistent but not uniform aesthetic. Actual monumentation design will be completed as part of a branding effort to upgrade the Specific Plan area, with updated logos, artwork, and monumentation. There are two Major Arrival Entries and various Minor Arrival Entries. Refer to Figure 2-1.

2.2.2 The Urban Street

The private urban streets within the plan area are designed for comfortable, safe, and convenient pedestrian movement rather than being vehicular-focused. Small urban plazas, sidewalk seating, and rest zones create refuge nodes for visitors. These spaces are defined by their relationship to the adjacent buildings and their variety of activities that occur there, beyond circulation. Pedestrian zones of varying width are planned adjacent to the interior private drives of the project as discussed in the Circulation Plan, Development Regulations, and Design Guidelines.

2.2.3 Entry Plaza

Multiple Entry Plazas are located across the property at primary and secondary entry points of the existing mall. Entry point plazas include the Food Hall, Theater, and Hotel districts. The size, configuration, and programming of these spaces are unique and relate to the tenancy and adjacencies of other uses. Parking and direct access to these entry plazas is critical in making them convenient, comfortable, and safe.

Much like the Arrival experience at site entries, the Plaza's design shall reinforce the overall vision of the development and support community engagement in simple ways.

2.2.4 Central Plaza

The Central Plaza, located to the east of the existing mall, will be the most prominently featured community-oriented open space within PA 2A. The plaza is planned as a space for entertainment, gathering, and recreation for all ages. Placemaking elements within the Central Plaza may include artwork, versatile softscape and hardscape areas, play structures, seating, and pop-up commercial buildings. These elements will connect the indoor mall uses and the outdoor open space. The plaza is sized (scaled) to feel both spacious and intimate, allowing interaction across its width and around its perimeter.

2.2.5 The Spaces in Between

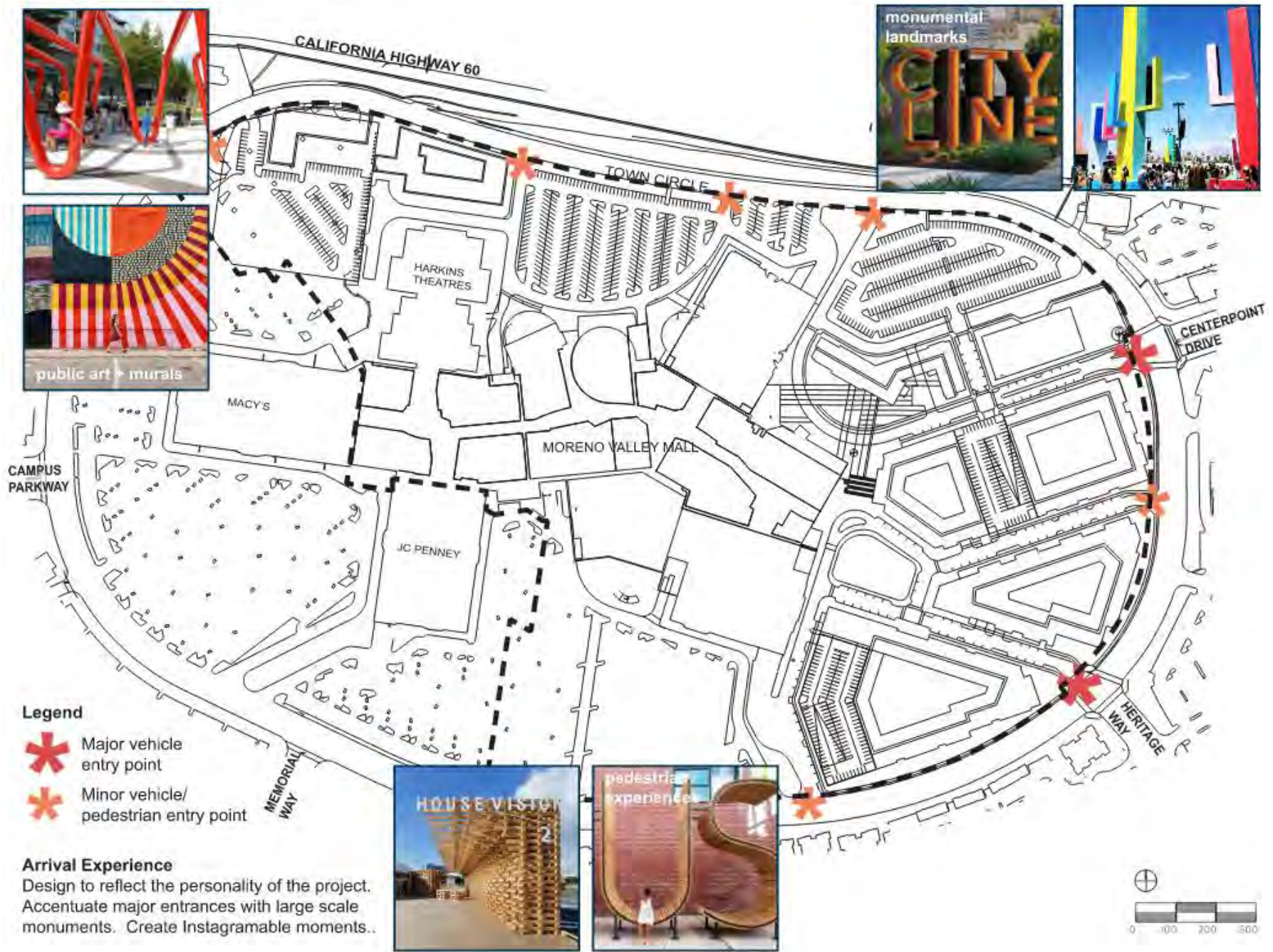
Independently, each component of the Placemaking and Urban Design Strategy create engaging, lively spaces that allow for a variety of uses. Equally important to the design of those spaces are the connectors the “negative space” between each of them, the spaces in between.

All of the districts and primary uses of the site are connected to the mall with distinct pathways, stairs and connecting spaces. The mall itself forms a central interior circulation spine across the entire site from east to west. In this way the mall acquires a new and important function connecting the new land uses across a large site—a role that both strengthens the overall site planning and potentially improves the mall's foot traffic and retail sales performance.





The Placemaking and Urban Design Strategy components create vibrant, usable spaces that weave together the commercial core with the surrounding uses

DEVELOPMENT PLAN | 2



Legend

-  Major vehicle entry point
-  Minor vehicle/pedestrian entry point

Arrival Experience

Design to reflect the personality of the project. Accentuate major entrances with large scale monuments. Create Instagramable moments..

Attachment: Specific Plan 200 TownGate Specific Plan (SP 200) Amendment (6242 : Moreno Valley Mall

Figure 2-1: Arrival Experience

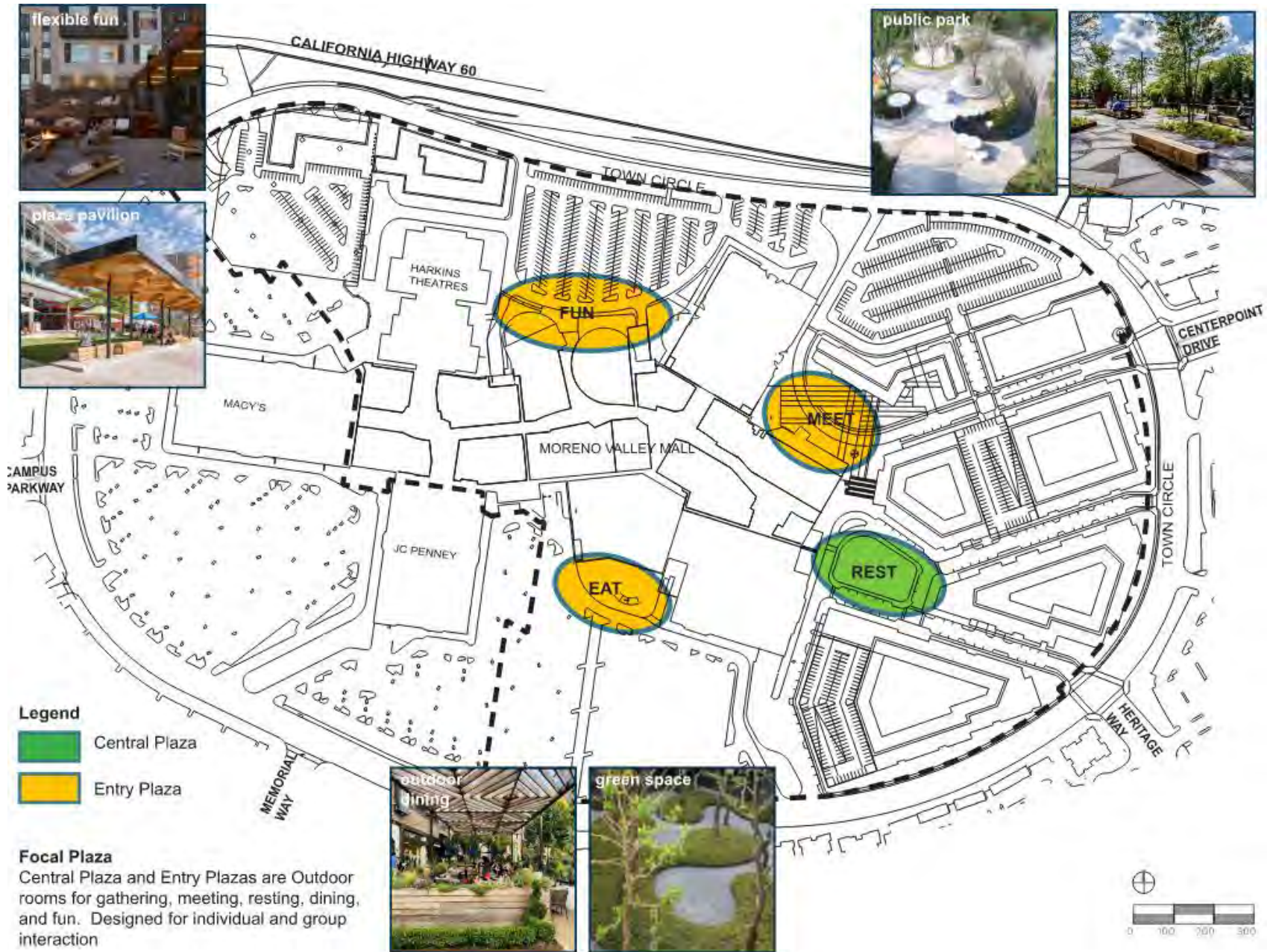


Figure 2-2: The Urban Street

DEVELOPMENT PLAN | 2



Figure 2-3: Central Plaza

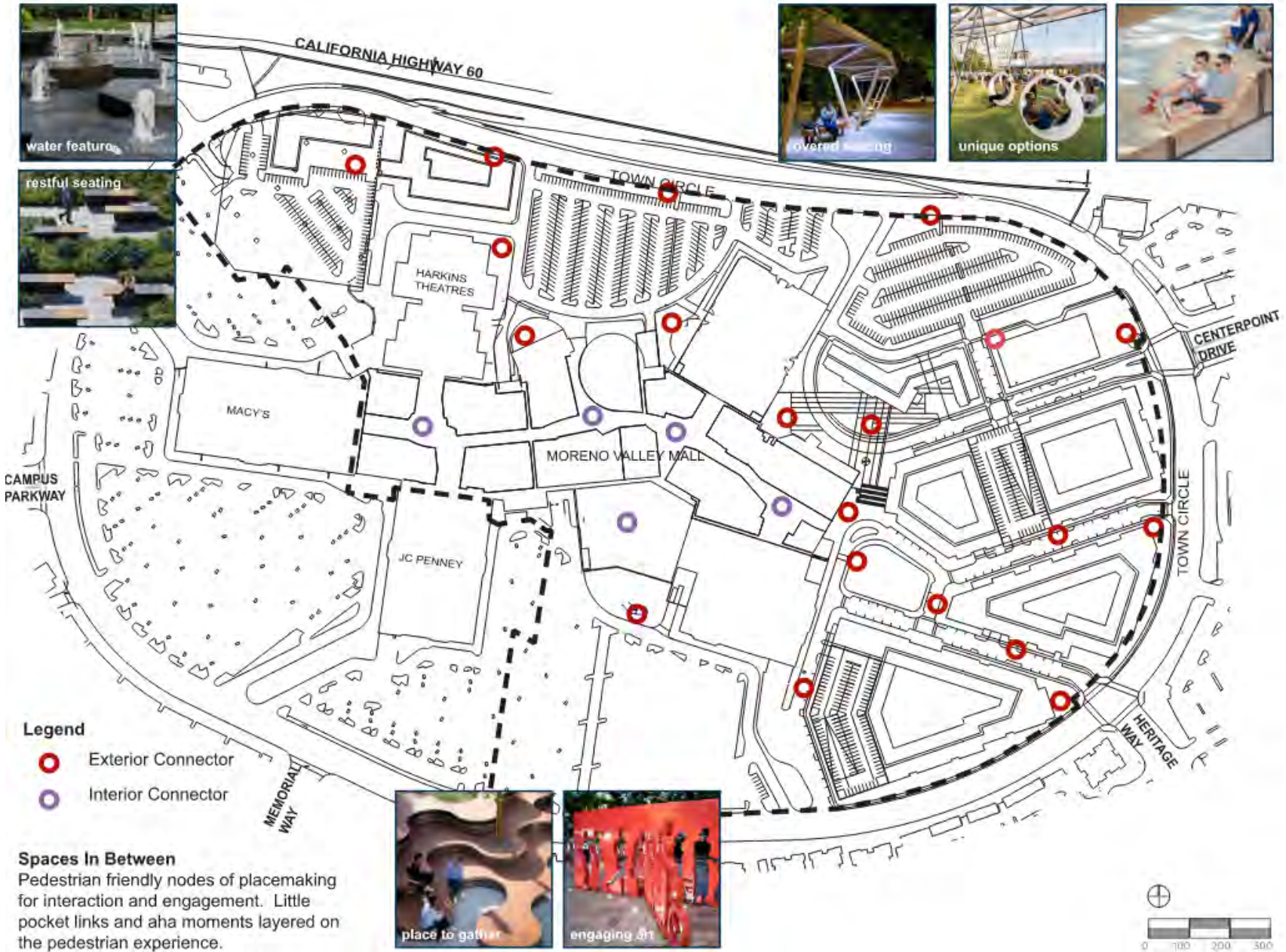
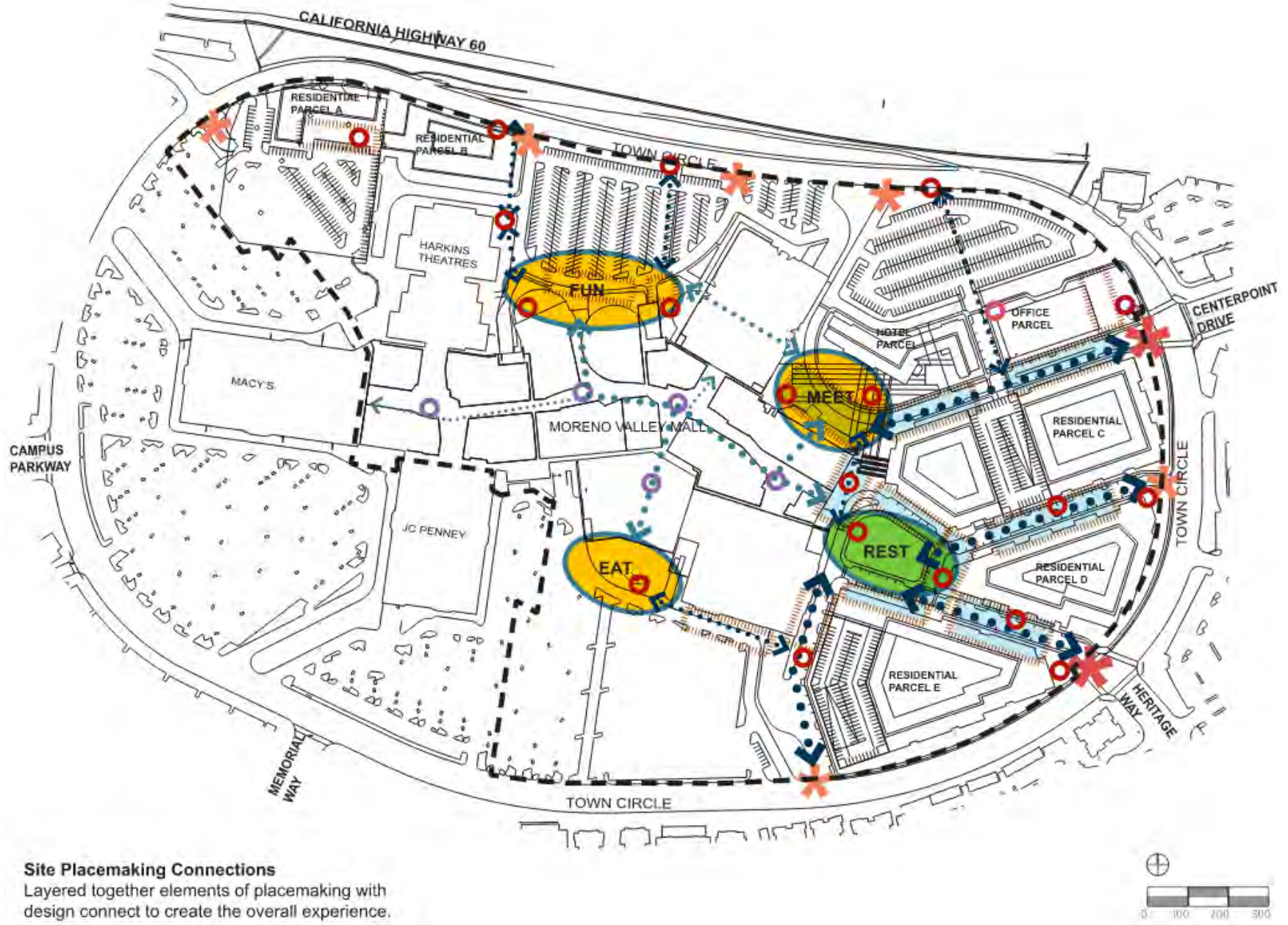


Figure 2-4: The Spaces in Between



Site Placemaking Connections
Layered together elements of placemaking with design connect to create the overall experience.

Figure 2-5: Placemaking Connections

2.3 Land Use Plan

As shown in Figure 2-6, *Land Use Plan*, the Specific Plan Area envisions turning a traditional enclosed shopping mall surrounded by surface parking into a redeveloped mixed use commercial center. In support of the mixed-use overlay (SP 200 MUC), MVM SPA will help create the policy framework for a high-quality development through careful design of the public areas and encouraging vibrant entertainment, office, professional services, and community uses. It will also include the provision for special amenities and entertainment venues. It will include a mix of:

- Retail, Dining, Entertainment, Hospitality
- Office, Professional Services
- Residential, Community Uses
- Open Space, Plazas

Table 2-1, *Land Use Summary* provides the primary land use program envisioned for the Specific Plan. In keeping with the need for flexibility during the long-term implementation of the development, minor modifications to land uses are permitted as described in Chapter 5, *Administration, and Implementation*.

Land Use	Parcel Reference	Quantity
Commercial/Retail	1, 5, 20	842,964 SF
Office	9	60,000 SF
Hotel	7	270 rooms
Residential	2, 3, 11, 12,15, 17, 18	1,627 units
Open Space¹	1, 14	1.5 acres
Drives/Parking	4, 6, 8, 10, 13, 16, 19, 21, 22	16.4 acres

1. Open Space does not include the enhanced plaza areas within Parcel 1 and 7, estimated at 22,500 square feet (0.5 acres).

Table 2-2, *Anticipated Land Uses by Parcel*, lists the different land uses anticipated in each of the Plan Area’s twenty-two parcels (see Figure 2.6), plus Macy and JCPenney parcels. Each parcel may develop as a singular use or as a combination of uses as generally defined below in a horizontal or vertical mixed-use development. Further definition of each parcel will occur as individual developments are implemented based on market demand.

Parcel	Retail	Multi-family	Hotel	Office	Park Plaza	Parking
1	X				X	X
2	X	X		X		X
3	X	X		X		X
4						X
5	X				X	X
6						X
7			X			X
8						X
9			X	X		X
11	X	X				X
12	X	X				X
14					X	X
15	X	X				X
17	X	X				X
18	X	X				X
20	X					X
21						X
22						X

Note: "X" indicates anticipated use.

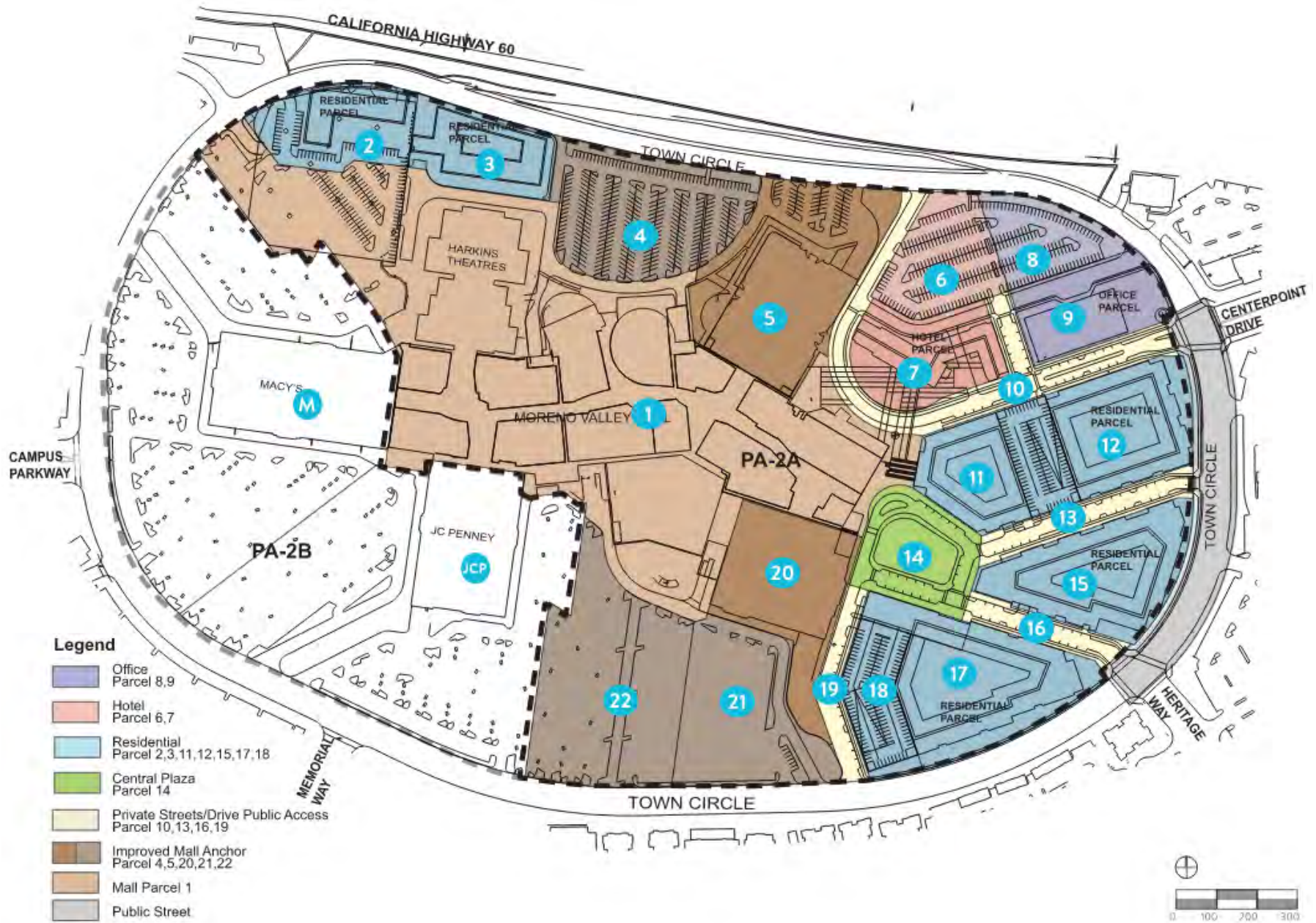


Figure 2-6: Land Use Plan

Attachment: Specific Plan 200 TownGate Specific Plan (SP 200) Amendment (6242 : Moreno Valley Mall

2.4 Open Space

The primary purposes of the open space and plaza areas are to provide for low intensity, outdoor-oriented recreational activities and facilities, and protect and preserve the public health, safety, and welfare. Open space and plaza areas comprise of open and amenity space types consistent with an urban setting. Residential or hotel projects will include private common open space amenities for their tenants and guests, such as pools/spas, courtyards, roof decks or gardens, fitness centers, and business centers. Residential uses will include a combination of private open space (patios or balconies) and common open space (fitness centers, courtyards, lounges, pool and spa areas). Landscaped pedestrian zones are provided on all internal streets. Publicly accessible open space will consist of landscaped building entries, pedestrian connections between the mix of uses on the site, and a planned major urban gathering space/plaza. This open central space may incorporate elements such as seating, a stage area for performance, kiosks, water features, shade structures, and shade plantings. Figure 2-7, *Conceptual Open Space*, illustrates the open space areas of the plan.



Examples of publicly accessible open gathering spaces with a variety of functions, increasing its usability and effectiveness.





Figure 2-7: Conceptual Open Space

Note: The open space areas shown are conceptual and subject to change as future development occurs.

2.5 Landscape Concept

A landscape concept has been developed for PA 2A that will reinforce patterns established by the land use plan to create an identity for the entire project. Various landscape design elements selected for the streetscapes, entries and buffers will be integrated to create a cohesive theme throughout the development. The primary objectives of the landscape concept plan are as follows:

- Reinforce circulation patterns, entryways, landmarks, and focal points.
- Enhance views and provide meaningful view corridors within the site.
- Foster a buffer between existing residential neighborhoods and other proposed uses.
- Create unity throughout the project by coordinating and limiting the variety of plant and hardscape materials.
- Promote a pleasant, distinctive neighborhood environment and unify general appearance.
- Implement water conservation through the use of drought-tolerant, low water use plant materials and water efficient irrigation systems.
- Minimize long term maintenance.

2.6 Circulation and Mobility

2.6.1 Vehicular Circulation

Vehicular circulation is comprised of two components: peripheral publicly accessible roadway and internal private drives. Transit service and stops will be incorporated, along with on-street type-three bicycle routes and pedestrian pathways.

The circulation components of the plan include the following (see Figure 2-9a thru 2-9e, *Circulation Plan* and *Cross Sections*).

A. Town Circle

Town Circle provides one of the primary access points to the MVM. Town Circle does not have a street classification within the City's General Plan. Town Circle is a public street from Centerpoint Drive to Heritage Way, with the balance of Town Circle remaining as a private street. Town Circle operates as a collector street. Collector streets are intended to carry traffic between the arterial street network and local streets or directly from the access drives of higher intensity uses. Collector streets serve commercial, residential, or public uses. Town Circle provides access to the mall site, providing connections with Centerpoint Drive, Campus Parkway, Memorial Way, and Heritage Way. The signalized intersection of Town Circle at Centerpoint Drive shall function as a gateway into MVM. Town Circle accommodates two lanes of travel in each direction, pedestrian sidewalks on both sides of the street from Centerpoint Drive to Heritage Way, and a sidewalk on the south side of Town Circle from Heritage Way to Campus Parkway. Currently, there are no bicycle routes on Town Circle. See Figure 2-8, *Circulation Plan*.

B. Street 1

Street 1 is PA 2A's northeastern entry connected to Town Circle at Centerpoint Drive, having a 4-way signalized intersection. Street 1 shall provide one of the primary access points to the commercial, hotel, office and residential uses.

Street 1 will be designed as a private street with connections to private drives and will provide pedestrian zones that have sidewalks and landscape areas of varying widths up to the building frontages. Street 1 provides access to parking structures and surface parking lots.

C. Street 2

Street 2 is PA 2A's eastern entry connected to Town Circle, and south of the Centerpoint Drive intersections. Street 2 provides secondary and central access points to commercial, residential, and open space/plaza uses. Street 2 will be designed as a private street with connections to private drives and will provide pedestrian zones that have sidewalks and landscape areas of varying widths up to the building frontages. Street 2 provides access to parking structures and surface parking lots.

D. Street 3

Street 3 is PA 2A's eastern entry connected to Town Circle at Heritage Way, having a signalized intersection. Street 3 provides one of the primary access points to commercial, residential, and open space/plaza uses. Street 3 will be designed as a private drive and will provide pedestrian zones that have sidewalks and landscape areas of varying widths up to the building frontages. Street 3 provides access to parking structures and surface parking lots.

E. Internal Loop Road/Private Drives

In its developed configuration, private drives will largely be retained, with modifications. Realignment or elimination of entryways to Town Circle and reconfiguration of portions of drives or existing trash and loading facilities may occur as part of the development. The internal loop road will range in width based on adjacent building height and building code requirements. As part of future development projects, perpendicular, parallel, or angled parking may be provided. In all cases, the required drive aisle width needed to meet building requirements shall be maintained.

All private streets shall intersect with Town Circle at 90-degree unless an alternative design is approved by the Director of Public Works.

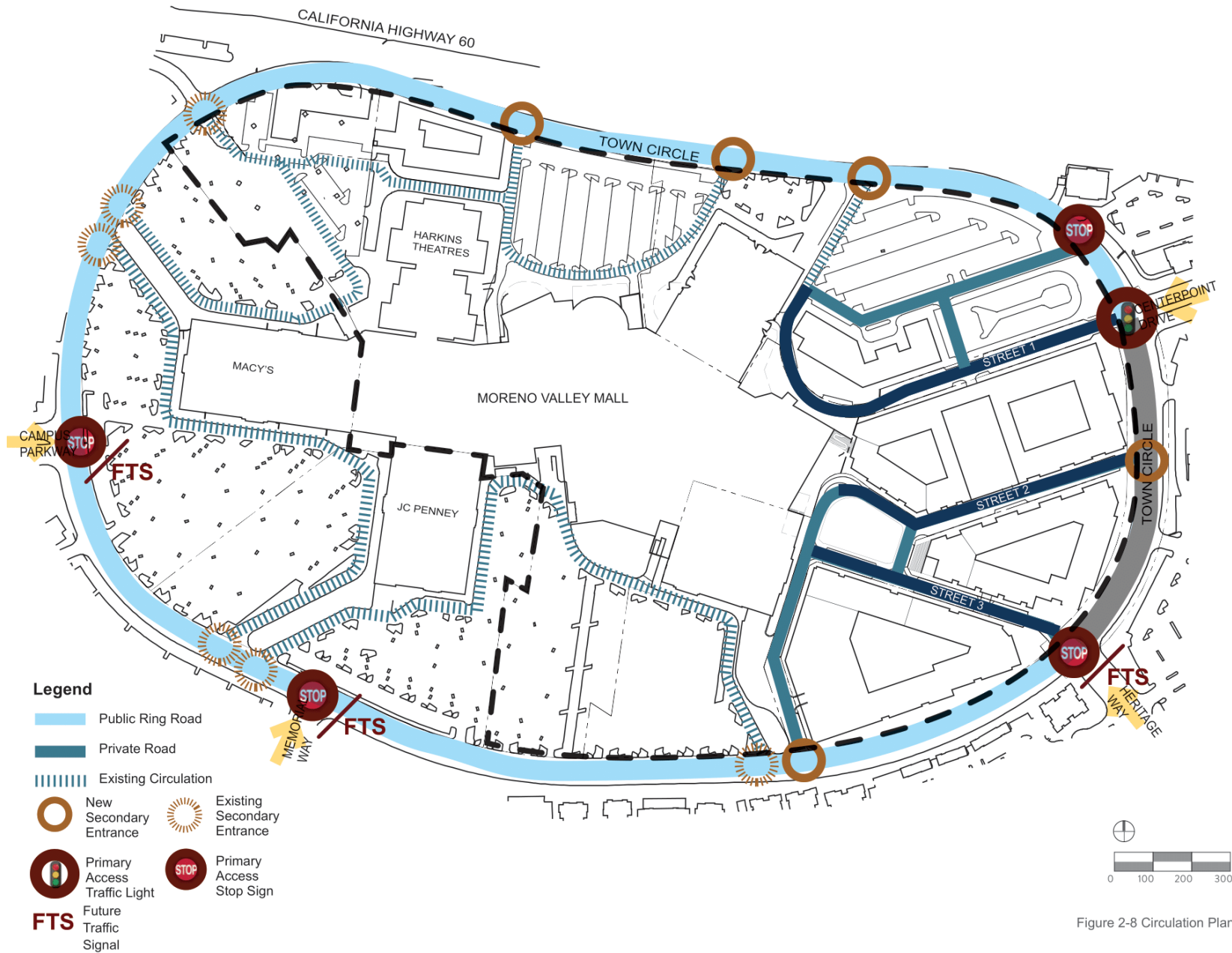


Figure 2-8 Circulation Plan

Figure 2-8: Circulation Plan

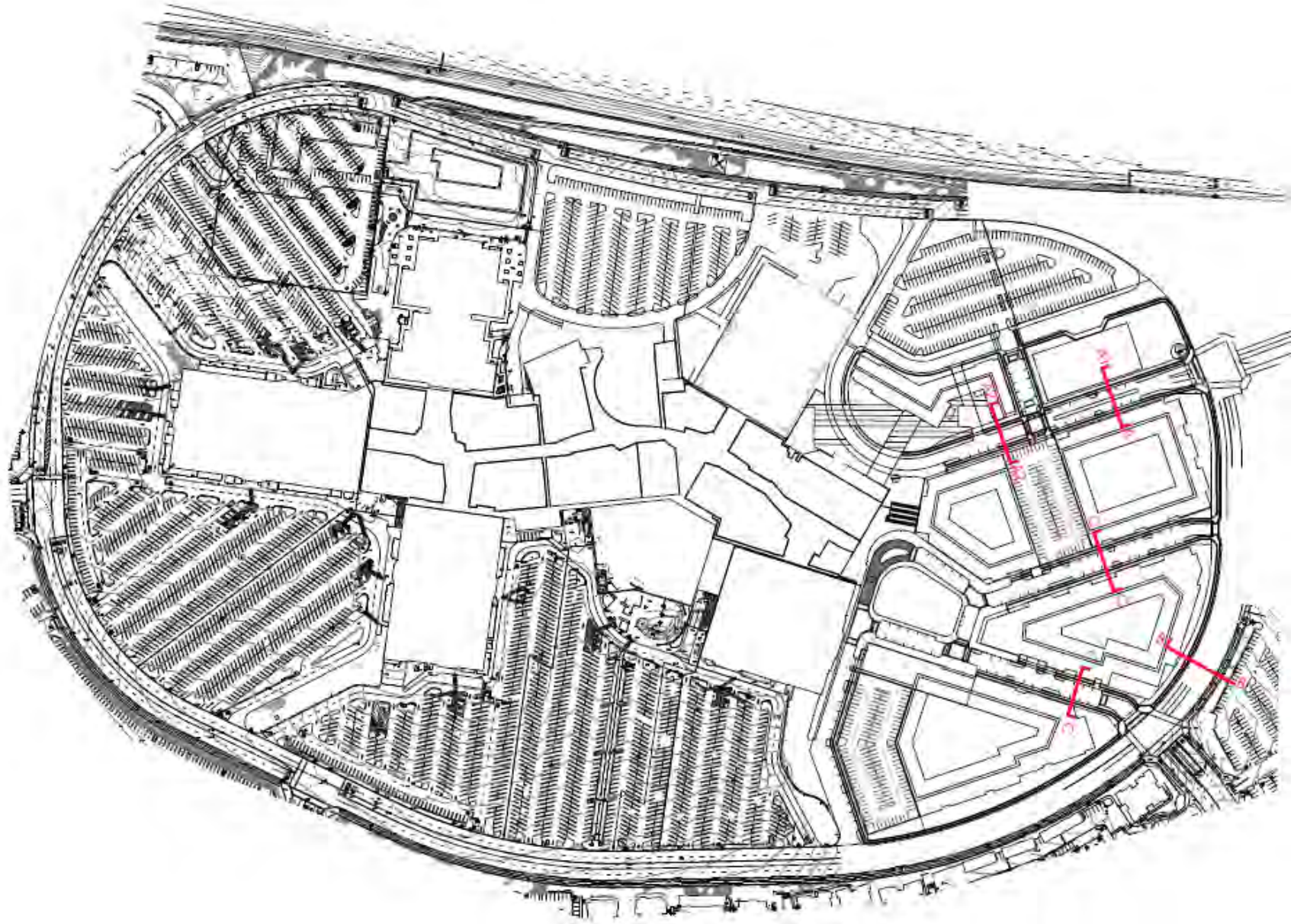


Figure 2-9a: Street Cross-Sections

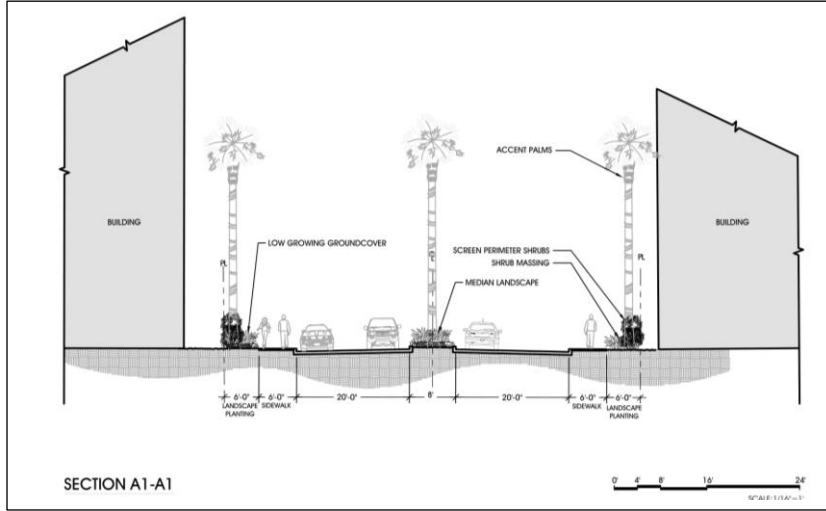


Figure 2-9b: Section A1 – Private Drive

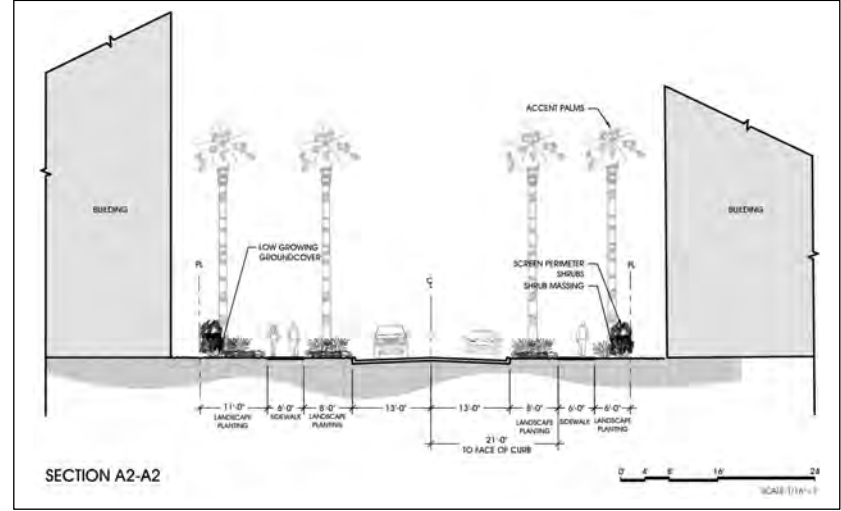


Figure 2-9c: Section A2 – Private Drive

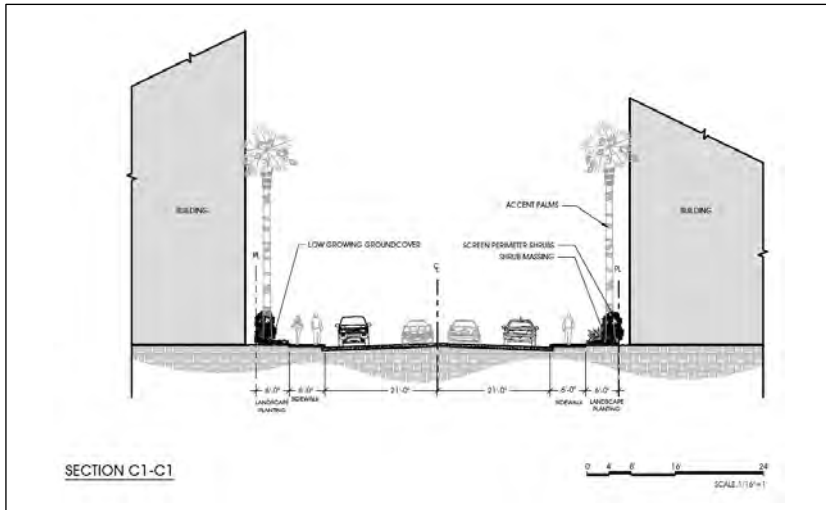


Figure 2-9d: Section C – Private Drive

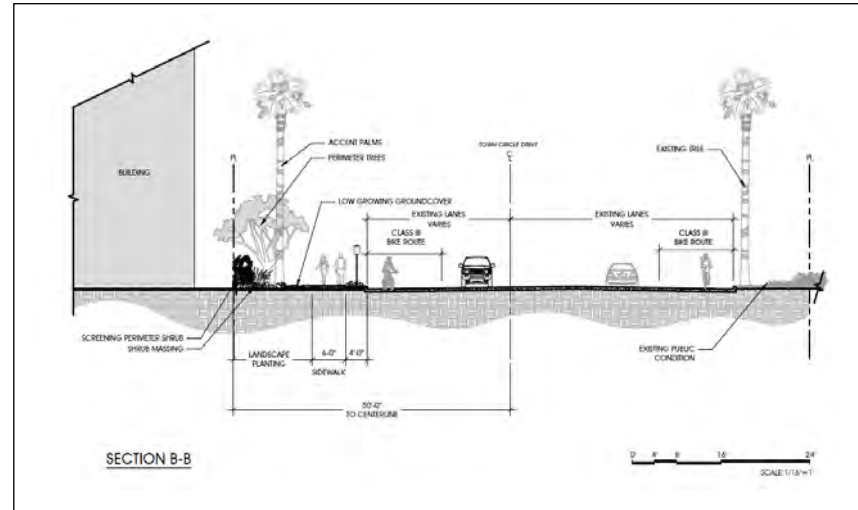


Figure 2-9e: Section B – Town Circle, Public

Attachment: Specific Plan 200 TownGate Specific Plan (SP 200) Amendment (6242) : Moreno Valley Mall

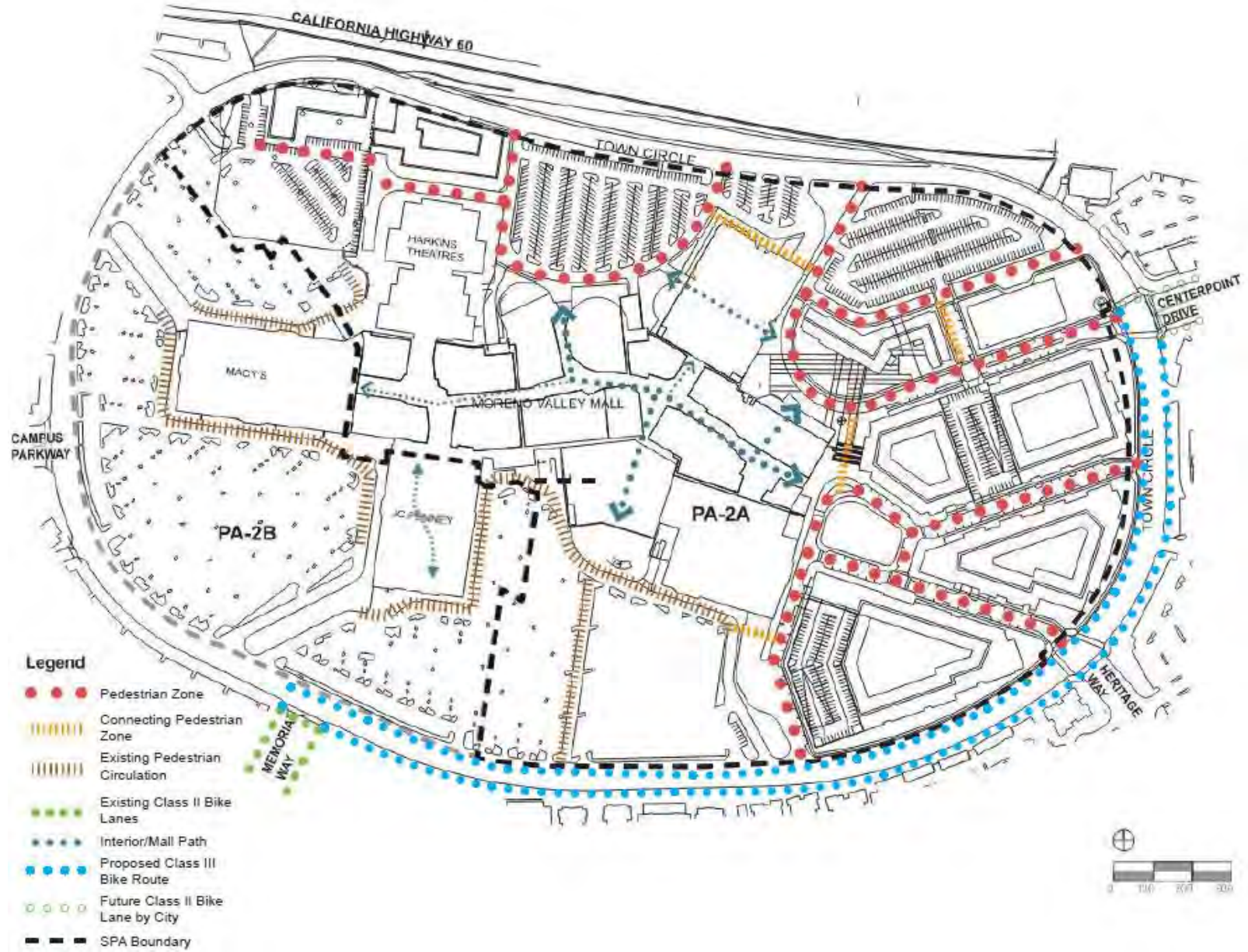


Figure 2-10: Non-Vehicular Circulation Plan

2.6.2 Pedestrian and Bicycle Mobility

The existing mall is oriented internally, with typical pedestrian access points into the mall building in several locations. Continuous and connected pedestrian pathways, sidewalks, and open areas shall create a network of circulation between the Mall and new use parcels.

Development of the project site would provide a pedestrian-friendly environment, with strong connectivity to adjacent commercial and office areas (see Figure 2-10, *Non-Vehicular Circulation Plan*). The project would offer a strong sense of community, connectivity, and livability. The project's pedestrian circulation components would be designed and installed with all safety and accessibility requirements in mind. This would be designed in a manner that would avoid conflicts with vehicles. The pedestrian connections to the surrounding area and the public street system would shorten the walking distance to nearby destinations, including bus stops. The pedestrian connections would enhance the opportunity to walk or to take transit rather than to drive.

The focus of the pedestrian and bicycle mobility is to draw patrons and visitors into MVM, creating a pedestrian-oriented environment by breaking up large blocks and providing convenient connectivity throughout the project site. Walkways are presently provided at the mall entries and connections with existing parking structures. Figure 2-10, *Non-Vehicular Circulation*, illustrates the anticipated pedestrian zones and connections, including a new interior sidewalk on the inner edge of Town Circle. This figure also establishes a hierarchy of pedestrian-oriented streetscape conditions that reference the Pedestrian Zone exhibits in Section 3. These pedestrian zone exhibits show a defined relationship between the pedestrian zone adjacent to each street and the adjacent building type. Pedestrian crosswalks will safely and conveniently connect throughout the development. The pedestrian zone will consist of a

varied width, from 10- to 12-foot zone comprised of a walkway and planting zone and will be provided along the frontage (see Figure 2-10, *Non-Vehicular Circulation Plan*). The design of sidewalks will be reviewed and approved through the site plan application.



Currently, Memorial Way accommodates Class II bicycle lanes that terminate at Town Circle. The city has plans to restripe Centerpoint Drive with Class II Bicycle lanes, also terminating at Town Circle with MVM as a destination. The Non-Vehicular Circulation Plan enhances the pedestrian zone to connect to these facilities. Future development of MVM will continue to explore connections to facilitate non-vehicular circulation. Bicycle facilities (short term and long term storage) will be provided in conjunction with commercial, office, and residential implementing projects.

2.6.3 Parking

Existing Specific Plan Area includes both surface and structured parking. As development projects are submitted to the City, a parking plan will be included to show provided parking, and replacement parking when required to maintain minimum parking ratios. Parking

ratios for the project are outlined in Section 3, *Development Regulations*.

On-street parking may be provided, serving both as a traffic calming feature and providing more parking alternatives. Location of parking will be determined with every planning application and be based on parking and sight distance requirements. In areas where on-street parking is not permitted, sidewalk and landscaped areas may be enhanced.

Individual residential projects will include parking exclusively for tenants, with residential tenant parking spaces separated from commercial, hotel, or office parking. Residential visitor parking may be shared with parking provided for other uses, or on lots other than the residential development.

As part of project design, parking for office uses may be made available for commercial or special event parking after normal business hours, subject to a shared parking study.

2.6.4 Public Transit

Riverside Transit Agency has one bus line along Towngate Boulevard and Day Street, including local routes along Eucalyptus Avenue. Existing public transit stops are present on Day Street to Towngate Boulevard on the project frontage that will continue to serve the Specific Plan area.

It is understood that there will be on-going discussion with Riverside Transit Authority (RTA) as the project develops and matures into a vibrant mixed-use development. The location of the transit center will be a collaborative effort with RTA to determine location, service and connectivity with the development non-vehicular circulation plan. The facility will likely be phased with the development so as to align with the projected demand. The facility design and integration

into the MVM will be reviewed and approved through site plan application.

2.6.5 Pick-up/Drop-off Areas

With the rise in use of rideshare services such as Uber and Lyft, it is increasingly important to designate areas for quick and efficient pick-up and drop-off of passengers. Such areas will be integrated into convenient major entries to the mall and adjacent to primary points of circulation.

2.7 Infrastructure and Public Facilities

This Specific Plan describes a variety of public facilities and services intended to support and serve the needs of the Plan Area residents, visitors, and workforce. Facilities and services include: water, sewer, storm drainage and water quality, solid waste disposal, fire and police protection, schools, and utilities. Existing infrastructure is provided to the Specific Plan area, as shown in Table 2-3, *Service Providers*.

The existing water, sewer, electrical, gas, communications, and storm drainage utilities are located in public utility easements throughout PA 2A and in adjacent public streets. Demolition and re-routing of some existing utilities will be required as part of Plan implementation.

The Infrastructure and Utility Plan serves as a guide for the development of detailed plans for roadways, domestic water, wastewater, storm water and utilities that will serve the Specific Plan area. The conceptual infrastructure plans generally identify the location of infrastructure facilities within the project. Subsequent development will establish the exact size and location of all such facilities with final engineering.

Table 2-3: Service Providers	
Service	Provider
Water	Eastern Municipal Water District/Box Springs Mutual Water Company (BSMWC)
Wastewater	Eastern Municipal Water District/Edgemont Community Services District (ECSD)
Storm Drainage	City of Moreno Valley Public Works Department
Electric Service	Moreno Valley Electric Utility/Southern California Edison
Gas Service	Southern California Gas Company
Fire Protection	Moreno Valley Fire Department/Riverside County Fire Department
Police Protection	Riverside County Sheriff's Department
Schools	Moreno Valley Unified School District
Solid Waste Disposal	Waste Management of Inland Valley

2.7.1 Water

A. Existing Facilities

Water for the Specific Plan area is provided by the Mills Service Area of the Eastern Municipal Water District (EMWD), with water sourced from northern California through the State Water Project. Water is treated by the Mills Filtration Plant before being routed to the Specific Plan Area.

Within PA 2A, the water mainline predominately runs within Town Circle with mainline connections extending into the property from Centerpoint Drive and Campus Parkway. The proposed project will relocate two water laterals and a portion of the water mainline to accommodate future development of which location shall be determined as part of the plot plan development.

Currently, the Eastern Municipal Water District (EMWD) own and operate main water lines around and throughout PA 2A. Water lines are encompassed by easements of various widths which are dedicated to EMWD for sewer and water utility purposes. The existing mall is served by laterals that tie into the EMWD water main within the dedicated easements. Fire service connections stub directly off the water mainline that is routed throughout the site.

B. Water Supply

The City's main source of water supply is provided by Mills Service Area of the Eastern Municipal Water District (EMWD). Water served to the city of Moreno Valley is imported from northern California through the State Water Project and treated at the Henry J. Mills Filtration Plant. Excess water treated at the Henry J. Mills Filtration Plant is and blended with other EMWD water sources, including Perris Valley Wells, Perris Filtration Plant, and Menifee/Perris Desalters, which then serve the larger Mills Service Area.

Recycled water is primarily utilized for landscape, agriculture, parks, and industrial uses, but is not available in PA 2A.

A Water Supply Assessment (WSA) was prepared for the Specific Plan land use program in January 2019. The WSA summarized the anticipated water demands and identified supplies set forth in the City's 2015 Urban Water Management Plan (UWMP) for the 25-year period starting in 2015 and ending in 2040. Based on the analysis in the WSA, the City's UWMP slightly underestimates the overall water demand in 2020, once the Project is accounted for, but the Project

water demand in 2025, 2030, 2035, and 2040 does not push the city's overall anticipated water demand past the City's demand estimate outlined in the UWMP. The WSA concluded that the Project can be reliably supplied by the City water system.

C. Proposed Water System

The majority of the existing water system will remain in place; however, some water infrastructure will be relocated to accommodate the proposed development program.

- The existing water main and easements dedicated to EMWD along the northeast of the property will be relocated to Town Circle.
- The existing water main and easements dedicated to EMWD along the southeast of the property will be relocated to avoid conflict with proposed developments.

Figure 2-11, *Water Plan*, shows the existing and proposed water system. The proposed water system is schematic and may change based on final engineering and building placement.

2.7.2 Wastewater

A. Existing Facilities

The Eastern Municipal Water District (EMWD) has five Regional Water Reclamation Facilities (RWRFs) which treat approximately 43 million gallons per day of wastewater, served through 1,813 miles of sewer pipelines. The five RWRFs treat wastewater and produce tertiary effluent where the treated water is delivered to recycled water customers or discharged to either Temescal Creek or into percolation/evaporation storage ponds.

PA 2A is located within Moreno Valley which belongs to EMWD's Sewer Subservice Area 2. Wastewater from this Subservice Area is treated at the Moreno Valley Regional Water Reclamation Facility.

Within the Specific Plan Area, EMWD has sewer mainlines throughout the project site and along the southerly mall boundary. The sewer lines convey sewage from north to south and connects to the sewer mainlines, where it is then routed to the Moreno Valley Regional Water Reclamation Facility.

The Specific Plan Area is served by a network of 8-inch EMWD gravity sewer mains which are encompassed by easements for sewer and water purposes of various width, generally ranging in width between 40-feet and 60-feet depending on the depth of the sewer main. Onsite sewer lines are routed to Town Circle, where two 8-inch sewer mains confluence into one 10-inch sewer main at the intersection of Town Circle and Memorial Way (per EMWD Record Drawings D-13067 and D-13074).

B. Proposed Sewer System

The proposed development program will utilize existing sewer infrastructure where feasible. However, due to increased anticipated flows and conflicts with the proposed developments, a number of sewer mains will be upsized and rerouted to follow Town Circle. Existing public easements dedicated to EMWD will need to be vacated where sewer mains are being abandoned and new easements established where sewer mains are proposed.

Figure 2-12, *Sewer Plan*, shows the existing and proposed sewer system. The proposed sewer system is schematic and may change based on final engineering and building placement. The current assumption is that a sewer lift station would be needed.

2.7.3 Grading

The site has various highpoints throughout Town Circle that surround the Specific Plan area. There are three general drainage areas for the site that slope at slight gradients from elevations approximately 1637 feet above mean sea level (msl) to 1608 feet above msl. There are landscaped slopes and retaining walls up to approximately

15 feet to contain grade changes between different parking lots and structures.

The estimated soil to be exported will be used for landscape features where feasible. During the development of the project, an export of soil is expected due to the projected construction of parking structures, stepped buildings, and minor grade adjustments across the site. Where possible, soil excavated as part of an individual project will be used for on-site landscape features such as berms or landscaped common space areas.

Grading activities will be required to comply with all Moreno Valley City standards.

2.7.4 Drainage and Water Quality

A. Drainage

The City of Moreno Valley and Riverside County Flood Control and Water Conservation District owns and maintains an extensive network of storm drain infrastructure, primarily storm drain mains and catch basins, throughout the City. The Moreno, Sunnymead, and West End, and Perris Valley Master Drainage Plans cover the vast majority of land within the city limit and are adopted by the City. Several storm drains, open channels, and retention basins have already been built and are located throughout the City, including near PA 2A. Storm drains within PA 2A eventually flow into the Santa Ana Watershed.

Flood Plain. PA 2A lies within Zone X, which is outside the 100-year floodplain. Zone X is achieved in this area through the presence of levee, channels, and retention basins.

Existing Facilities. The Riverside County Flood Control and Water Conservation District (RCFC&WCD) and the City jointly maintain the storm drain system. The City adopted Master Drainage Plans that

provide the long-range plan to install storm drain conveyance systems on the west side of the City.

The City has an existing reinforced concrete pipe (RCP) storm drain that surrounds the site along Town Circle. The eastern portion of the storm drain is 60" and connects to an existing 72" RCP storm drain south of the site in Memorial Way. The western portion of the site has an existing 66" and 54" RCP storm drain that also discharges to the existing 72" RCP storm drain in Memorial Way before it discharges to the Santa Ana Watershed.

Approximately 29 acres of the western portion of the site, including surface parking, a portion of the existing Macy's building and JC Penny, and the existing northwestern parking structure, drains to a series of on-site inlets and drainage pipes. These series of onsite pipes ultimately connect to the existing storm drain in Town Circle.

Approximately 22 acres of the site, including a portion of the mall building and the existing surface parking in the southeast third of the site, drains into the existing on-site loop road storm drain and into existing City reinforced concrete pipes that run southwest under Town Circle.

The remainder of the site, approximately 29 acres, of the northern portion of the site including the Harkins Theater and a portion of the existing mall drains to existing inlets located throughout the surface parking lot. These onsite inlets drain to the existing City RCP located in Town Circle.

The City has confirmed that any connections to the City system will require City review only. Caltrans and County review of site drainage will not be required as long as site drainage connects directly to City infrastructure.

Proposed Drainage System. The City's Master Plan of Drainage includes the drainage facilities within the Specific Plan area and no

deficiencies are present in the system. As the Specific Plan land use program does not increase the amount of impervious area, the drainage characteristics are anticipated to remain the same as in the existing condition. Thus, no retention is required for stormwater runoff from the Specific Plan area. The proposed improvements to the storm drain system are limited to the following:

- Re-routing of several existing storm drain lines into the private drives within the Specific Plan area from their present locations within future development sites.

Figure 2-13, *Drainage Plan*, shows the existing and proposed drainage system, as well as the drainage areas of the site and the water quality features to which they drain. The proposed drainage system is schematic and may change based on final engineering and building placement.

B. Storm Water Quality

Improvement of water quality is a critical issue for all development. Local, State and Federal laws include requirements for the treatment of storm water runoff to reduce pollutants entering the environment.

As an urbanized area, opportunities for large-scale water quality improvements (such as storm water basins) within the Specific Plan area are limited. Best Management Practices (BMPs) are structural or engineered devices and systems used to treat storm water runoff before it is discharged into a drainage system (storm drain or channel).

BMPs appropriate for an urbanized setting may include the following menu of items as defined in the City of Moreno Valley General Plan 2040:

- Underground storm drains, including both reinforced concrete pipes (RCP) and reinforced concrete boxes (RCB), placed within existing or future right-of-way.

- Open channel facilities, including concrete lined channels and earthen bottom channels with rock lined slopes. They serve as flow conveyors and outlets for underground facilities, and are typically placed along existing drainage ditches, washes, and where proposed construction of the channel has minimal impact on surrounding properties.
- Detention basins sized for a 100-year storm event that serve to reduce peak flow rates and to match the capacity of existing downstream facilities. Reducing peak flows results in smaller capacity drainage facilities required to convey flows downstream; thus, saving costs and limiting the scope of downstream impacts. Detention basins will be equipped with an emergency spillway for flows exceeding the design capacity of the basin.

A preliminary Water Quality Management Plan (WQMP) has been prepared for the project. Due to the urbanized setting, BMPs consisting primarily of modular wetland systems will be located to serve each of the Specific Plan's drainage areas. Figure 2-14, *Drainage Plan*, shows the drainage areas and associated water quality features.

A final WQMP will be submitted as part of the final construction documents and will describe the final selection of BMPs for the proposed development.

2.7.5 Dry Utilities

Public gas and electric facilities are owned and operated by Southern California Gas and Southern California Edison, respectively. Gas utilities in private drives will be relocated in the new private roadway with appropriate easements. Service lines for new buildings will be extended from the existing and new public lines. Moreno Valley Electric Utility will be providing service to new buildings. A line extension from approximately 350-feet south of the intersection of Gateway Drive and Eucalyptus Avenue to the project will be required.

Ultimate alignment will be established with final engineering, and subject to agency and Public Works Director approval.

2.7.6 Fiber Optics

Connections to fiber optic networks do not currently exist within the Specific Plan area. As the infrastructure needed to deliver these services is made accessible in the future, individual projects will have

the opportunity to connect and make these services available. Additional conduits and infrastructure will be included with future development for future connections.

Additionally, new developments will connect to the existing fiber optic cable network to ensure the Specific Plan Area develops as a full “Smart Village.”

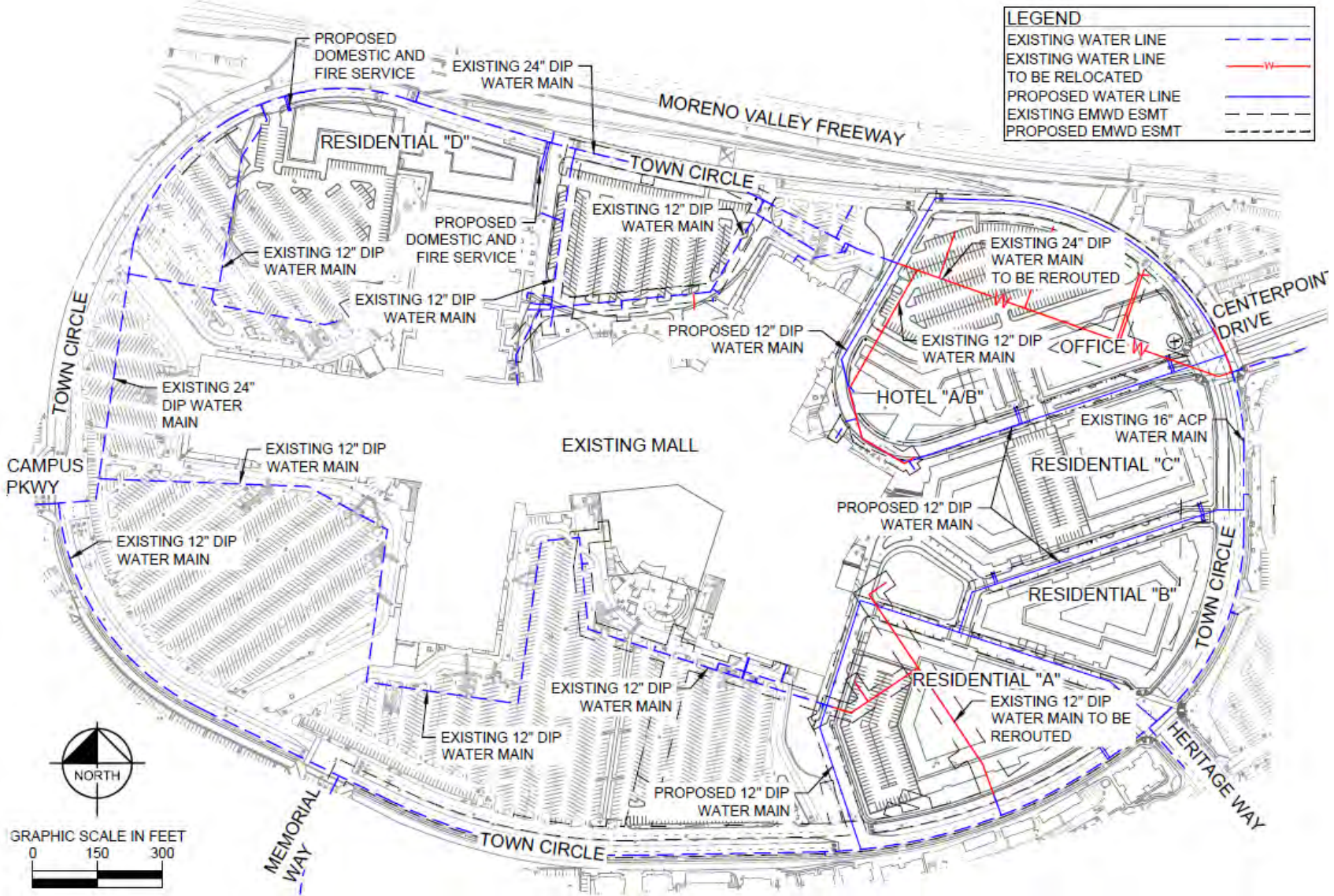


Figure 2-11: Water Plan

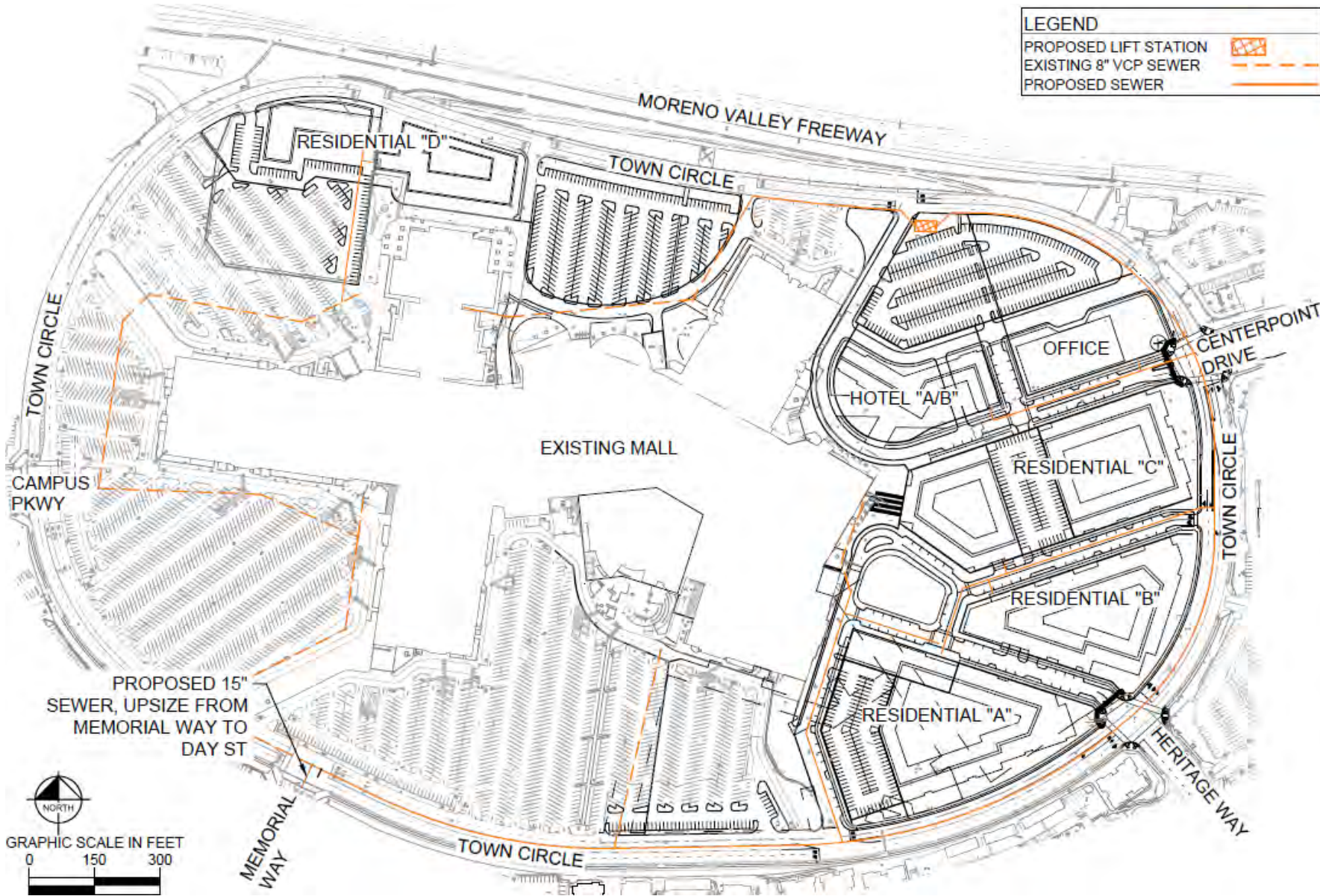


Figure 2-12: Sewer Plan

Attachment: Specific Plan 200 TownGate Specific Plan (SP 200) Amendment (6242 : Moreno Valley Mall

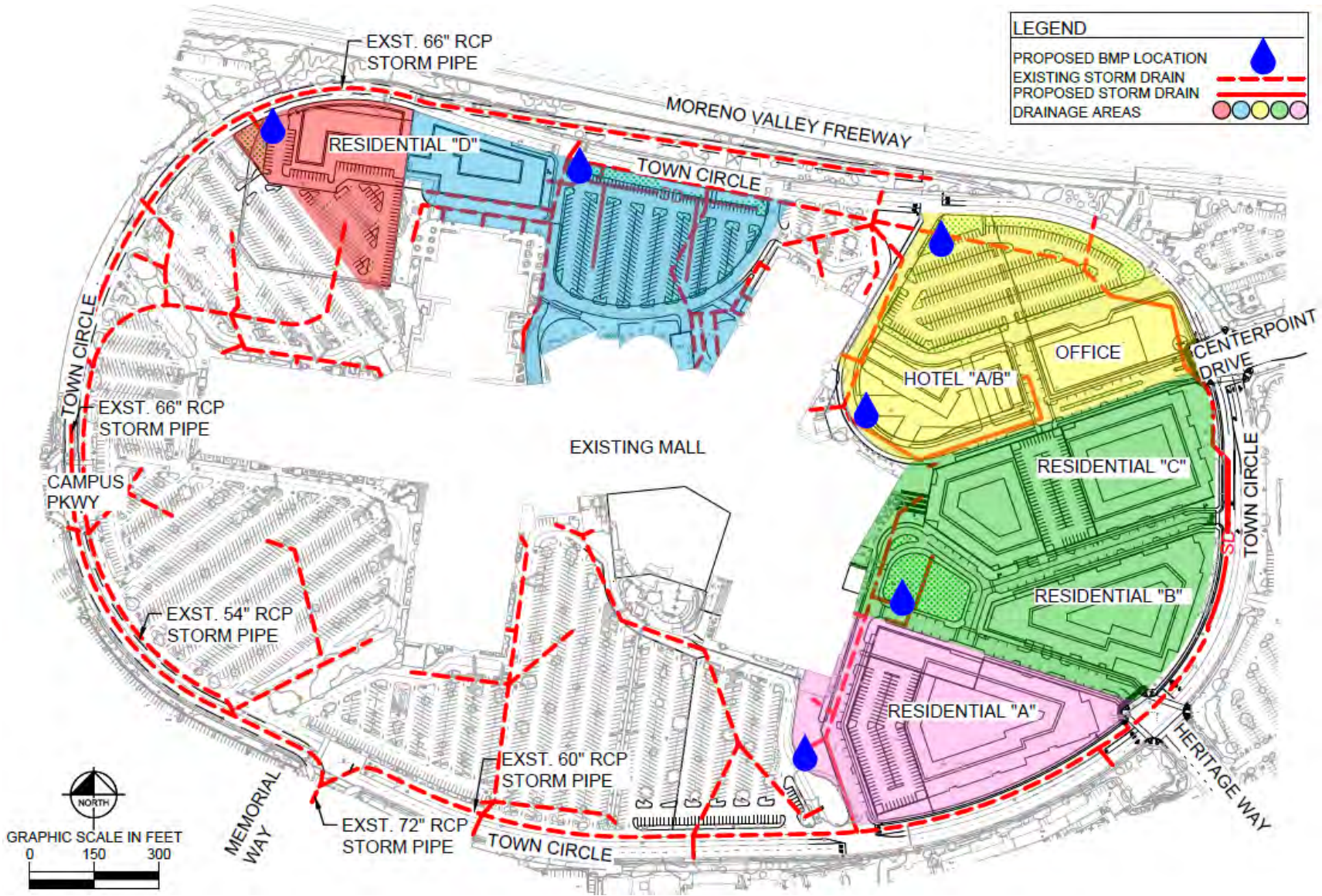


Figure 2-13: Drainage Plan

2.7.7 Solid Waste

Waste Management of Inland Valley (WM) is the franchise company that currently provides curbside recycling, garbage, and yard waste services to the City of Moreno Valley. The majority of solid waste generated within the city is disposed of at El Sobrante Landfill, which has sufficient capacity to accommodate waste generated by development within PA 2A. It would continue to provide solid waste and recycling service to PA 2A subject to change by the city per state and local requirements and/or agreements. The city currently sponsors recycling events and giveaways, special collection events, and several city beautification programs. The city provides trash, recycling, and special waste handling services through a contract only with Waste Management. No other haulers are authorized to operate within the City. Development within PA 2A shall pilot a composting project with select restaurants and eateries to help eliminate harmful gases emitted when these products are otherwise dumped into landfills.

2.7.8 Police and Fire Services

A. Police Services

Police services in Moreno Valley are provided by the Riverside County Sheriff’s Department, headquartered at 4095 Lemon Street, Riverside, CA 92501. The Police Department Office in Moreno Valley is located at 22850 Calle San Juan De Los Lagos. Emergency response times for the Department are dependent on where patrol vehicles are in relation to a call, as well as the nature of the call.

PA 2A includes an opportunity for a security office within the mall building and provides private security for the mall itself, with supplemental service by MVPD during peak seasons.

B. Fire Services

Fire protection and emergency medical services are provided by Riverside County Fire Department. The closest fire station is Fire Station #6 located at 22250 Eucalyptus Avenue, approximately 0.47-miles from the Specific Plan area. Fire service calls will incrementally increase as a result of the development of the Specific Plan area.

As part of project design, all road/driveway widths, as well as the placement of fire hydrants and installation of automatic sprinkler systems, shall be designed with the guidance of the RCFA. A circulation system that allows unhindered RCFA access and maneuvering during emergencies shall be provided.

2.7.9 Schools

PA 2A is located within the boundaries of two school districts:

The Moreno Valley Unified School District boundary encompasses the Specific Plan Amendment area.

The MVUSD provides K-12 schools for areas within its boundaries. The schools which would serve residential units within the Specific Plan Amendment area include:

- Seneca Elementary School
- Sunnymead Middle School
- Moreno Valley High School
- There are several Charter schools located near the Specific Plan area.

Developers of residential, commercial and/or hotel development will pay statutory school fees.

3 DEVELOPMENT REGULATIONS



The regulations and standards contained in this section shall apply to all properties located within PA 2A. They are intended to serve as a tool to establish a mix of uses permitted by the General Plan by providing development regulations specific to the development.

The MVM SPA is consistent with the provisions of Commercial/MUC and Center Mixed Use (CEMU) designation of the General Plan. In cases where MVM SPA contains differing standards from SP-200, the MVM SPA standards shall prevail. In cases where standards are not addressed by MVM SPA, the Moreno Valley Municipal Code (MVMC) shall apply as determined applicable by the Community Development Director.

3.1 General Provisions

3.1.1 Determination of Unlisted Uses/Interpretation

Any land use proposal not specifically covered by the provisions contained herein shall be subject to determination by the Community Development Director.

When used in this document, the words “shall,” “will,” “is to,” and “are to” are always mandatory. “Should” is not mandatory but is strongly recommended; and “may” is permissive. The present tense includes the past and future tenses, and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words “include,” “includes,” and “including” mean “including but not limited to.”

3.1.2 Definitions

The following definitions shall apply to uses within the MVM Specific Plan Amendment Area (PA 2A). Where definitions between the MVM SPA and MVMC conflict, the following definitions shall apply:

- A. **BMPs (or Best Management Practices):** shall mean structural or engineered devices and systems used to treat stormwater runoff before it is discharged into a drainage system.
- B. **CEQA/California Environmental Quality Act:** shall mean the California statute passed in 1970 to institute a statewide policy of environmental protection.
- C. **Class III Bike Lane:** shall mean an on-street bike lane that are within the right-of-way but not striped but are signed for the bicyclists and motorists.
- D. **Commercial Recreation:** uses of a commercial nature combined with a recreational use, including but not limited to, bowling alleys, rock climbing gyms, indoor skydiving, experiential learning and activity centers, discovery centers, laser tag facilities, roller skating, sports-related activities (golf, skiing, baseball, etc.), aquariums, electronic gaming (“e-sports”), gymnastics facilities (including trampolines), amusement parks/rides and similar uses. This use does not include adult businesses.
- E. **Floor Area:** the total floor area included within the outer walls of a building. Parking structures, patios, terraces, decks, outdoor dining areas, balconies, exterior amenity spaces, and other exterior areas shall not be included in floor area to be used in the calculation of Floor Area Ratio (FAR).
- F. **Mixed-Use:** shall mean a complementary mixture of land uses including, commercial, retail, office, hospitality, and residential uses that are part of an integrated single development of PA 2. Land uses may be arranged vertically in one or multiple story buildings or horizontally within separate buildings on a lot, site or parcel. A mixed-use building is a structure containing residential

and non-residential uses, or which contains two types of non-residential uses.

- G. **Outdoor Dining:** shall mean the extension of services of a restaurant or eating/drinking establishment to be provided on the public sidewalk or private common area adjacent to or within the confines of any frontage of that portion of the building that the restaurant use is situated.
- H. **Pedestrian Zone:** shall mean an area composed of a pedestrian path of travel and planting area with continuous or intermittent trees, shrubs, or planters adjacent to a development parcel.

3.1.3 Nonconforming Buildings, Lots, and Uses

A nonconforming building, structure or use shall comply with all of Section 9.02.180, *Legal Nonconforming uses, improvements, and parcels*, of the Moreno Valley Municipal Code (MVMC), except as modified below.

- A. A building or structure that does not conform to the architectural style or story height requirements at the time of the adoption of this MVM SPA shall not cause the structure to be non-conforming.
- B. Existing surface parking lots shall not require modification to meet new landscape requirements.
- C. Existing buildings and/or parking structures may encroach into the setbacks established in the MVM SPA. If the non-conforming uses are demolished and re-built the new building or structure shall comply with the setbacks provided herein.

3.1.4 Performance Standards

A. Security

Residential units shall be designed to ensure the security of residents through the provision of secured entrances and exits that are separate from the non-residential uses and are directly accessible to parking areas. Non-residential and residential uses shall not have common entrance hallways or common balconies. These separations shall be shown on the development plan and the separations shall be permanently maintained.

B. Noise and Ventilation

Residential portions of the project shall comply with the City’s Noise Ordinance, which may include design to limit the interior noise caused by the commercial and parking portions of the project or freeway adjacency, to a maximum of forty-five (45) db in any habitable room with windows closed, to meet City noise standards. Proper design may include, but shall not be limited to, building orientation, sound-rated windows, wall and ceiling insulation, and orientation and insulation of vents. Where it is necessary that windows be closed in order to achieve the required level, means shall be provided for ventilation/cooling to provide a habitable environment.

C. Maintenance

All properties within the Specific Plan area shall be kept and maintained in a clean, neat, orderly, operable, and usable condition. This requirement applies to buildings, paving, fences, walls, landscaping, water, earth and any other structure or feature on the site.

D. Refuse Collection

- Bins for recycling and any other refuse mandated by the State of California shall be provided for all uses in trash enclosures.
- Outdoor refuse collection areas shall be visually screened from adjacent streets, plazas, freeways, and adjacent property through use of an opaque screen (wall or fence).
- Where feasible, areas to handle refuse shall be integrated into parking structures. Such areas shall be enclosed with a durable material, with doors.
- New development shall accommodate recycled organics in accordance with State law and City Ordinance.

E. Utilities

- All utility lines shall be placed underground except where required to be above-ground by utility providers. Where equipment is located above-ground, they shall be screened from view from adjacent streets through the use of an opaque screen or landscaping.
- All mechanical equipment must be screened in an architecturally integrated manner.

3.1.5 Height

Building height shall be measured from the finished grade (measured at the highest point of finished grade no more than five feet (5-ft) from building footprint) to the top of average roof sheathing height or bottom of parapet depending on the roof type. Rooflines must be appropriate to the architectural style.

Essential architectural features such as, but not limited to, weathervanes, stair towers, elevator towers, mechanical equipment screening/parapets, clock towers, and other non-habitable architectural features etc. appropriate to the architectural style of

the structure may extend in height above the stated Building Height of the Primary Structure, subject to development plan review.

3.2 Permitted Uses

This section identifies the permitted, conditional, and accessory or temporary uses within the Specific Plan area. Uses in the table are permitted subject to the permit criteria referenced. The concept plan identified in Exhibit 2-6, *Land Use Plan*, provides a visual representation of the desired location of various potential uses for evaluation by the City during review of development proposals.

Table 3-1, *Permitted Uses*, identifies uses by a “P” are permitted by right and those identified by “TUP” are subject to a temporary use permit. Any use not included shall be considered prohibited unless deemed to be similar to an allowable use as interpreted by the Planning Official or his/her designee.

Temporary Use Permits are processed by the City under Minor Temporary Use Permit and a Major Temporary Use Permit. A Minor TUP is required when planning a special event, such as parking lot sales, grand openings, and ribbon cuttings. A Minor TUP requires an application, property owner written consent, emergency contact information, business license application, detailed site plan, and letter of intent. A Major Temporary Use Permit is also required when planning larger special events, such as temporary construction trailers, carnivals, Christmas tree lots, and pumpkin patches. A Major TUP requires an application, letter of intent, written consent form, detailed site plan, and additional requirements by the building, fire, land development, transportation, and community enhancement and neighborhood services departments based on the scope of work. All new construction projects require the approval of a Plot Plan, except for interior tenant improvements associated with the mall building and tenant improvements in new mixed-use development.

Table 3-1: PA-2A Permitted Uses	
Use	
Commercial/retail and service uses, including but not limited to indoor and outdoor sales, department stores, service commercial such as appliance stores, bakeries, bookstores, food/grocery stores (retail market), pet stores, freestanding kiosks and similar uses.	P
Office uses. Professional, administrative, and business offices providing personal and professional services, including medical office (including surgical centers), urgent care, architects/engineers, and similar uses.	P
Service oriented office uses including insurance, real estate, travel, finance (including ATMs), creative office co-working (WeWork, Common Desk, etc), and similar uses.	P
Commercial Recreation, including Gymnasiums and fitness clubs	P
Hotels, including, executive suites, guest suites, extended stay, select serve, with commercial and food service incidental to the hotel use	P
Restaurants, cafes, quick serve and eating establishments	P
Theaters and Cinemas (excludes open air theaters), including ancillary food and alcohol sales	P
Showrooms, Museums, Cultural and Science Centers	P
Freestanding parking structures	P

Table 3-1: PA 2A Permitted Uses (Continued)	
Use	
Public utility and Municipal uses, including electric distribution substations, community center, government offices, police substations, etc.;	P
Multifamily apartments and/or condominiums and associated leasing offices and recreational/fitness facilities, and including senior living (inclusive of independent living, assisted living) and student housing.	P
Incidental support commercial uses within an office or hotel uses	P
Other uses determined by the Planning Official to be similar in character to the Permitted uses listed above.	P
Alcohol sales for on-site or off-site consumption	P
Manufacturing of soft goods	P
Limited Artisan/Craft Sales	P
Childcare Centers, or educational centers.	P
Drive through lanes associated with Convenience Stores, restaurants, and quick serve restaurants.	P
Club/Live entertainment venues (music venue, comedy club, nightclub, etc)	P
Major wireless communication facilities per MVMC	P
Outdoor Pushcarts	Per Specific Areas/ Approval Process
Temporary Outdoor Activities (ex: temporary outdoor merchandise sales)	TUP
P: Permitted Use TP: Temporary Use Permit	

3.3 Site Development Standards

The development standards in Table 3-2, *Development Standards*, apply to all uses, including parking structures (as applicable), within PA 2A. Landscaped areas will be addressed on a project-by-project basis and conform to the standards outlined in the table. Where development standards are not described, the standards in the MVMC shall apply. Standards are minimums unless otherwise indicated.

Table 3-2: PA-2A Development Standards	
Development Features	Standard
Floor Area Ratio (maximum)	1.0 to 1.25 FAR ¹
Density (maximum) – Residential	30 du/ac1
Lot Width/Depth (minimum)	none
Setback (minimum)	
Front/Collector Street Setback	10 ft.
Front/Local Street Setback	5 ft.
Interior and Rear	5 ft
Distance Between Buildings	Per Building Code
Height Limits	
Building	None
Parking Structure	None
Number of Stories	None

¹ Density and Floor Area Ratio are averaged across MVM PA2. Nonresidential uses have a maximum of 1.0 FAR under MUC Overlay District Development Standards, Table 9.07.095-10, and up to 1.25 with Center Mixed Use (CEMU).

Table 3-2: PA 2A Development Standards (Continued)	
Development Features	Standard
Block Length (maximum)	None
Building Frontage Length	90%
Building Frontage Types	Commercial, Residential or Storefronts
Parking	
Surface	5 ft setback from lot line
Garage/Tuck-under	Allowed
Underground/Podium	Allowed
Above-Ground	Allowed
Open Space Standards	
Publicly Accessible Open Space (Non-Residential) -includes plazas	2.5% of PA 2A
Private Open Space (MFR) includes balconies	100 ft/unit
Common Open Space (MFR) includes common indoor and outdoor areas	150 ft/unit

- A. Modifications. Development standards may be modified by up to 20% in connection with Plot Plan review in order to promote increased pedestrian activity, provide for unified street frontage, ensure privacy and light for residential uses, provide for public

spaces, or promote compatibility with existing development and the goals of the MVM SPA.

- B. Existing buildings and/or parking structures may encroach into MVM SPA required setbacks. If the non-conforming uses are demolished and re-built the new building or structure shall comply with the setbacks provided herein.
- C. Interior Setbacks. Building placement shall be governed by the following:
 - a) Building code; or
 - b) A variable width building zone set behind a Pedestrian Zone of 10-12 feet minimum. The Pedestrian Zone consists of a pedestrian walkway and a curb-adjacent planting zone for trees, shrubs, or planters.

3.4 Architectural Standards

An architectural concept has been developed for the MVM SPA that will reinforce patterns established by the concept land use plan to create an identity and placemaking. Various architectural elements are selected for buildings, entries, and design will be integrated to complement the sense of cohesiveness throughout PA 2A.

As development projects are implemented, architectural plans shall be approved consistent with the requirements below. The site shall comply with the following minimum requirements listed below and in the MVMC where not specified.

In order to maintain the creative goals of MVM SPA vision, structures shall follow guidelines set forth in Section 4 of this document.

3.5 Parking Standards

Parking standards for uses within the Specific Plan area are shown in Table 3-3, *Parking Standards*. These standards reflect the unique characteristics of the proposed mixed-use environment in the MVM SPA, which result in opportunities for shared parking.

Table 3-3: PA-2A Parking Standards	
Use	Ratio (min)
Mixed Use, Non-Residential	4 spaces/1,000 SF
Hotel	0.80 space/key
Residential, including Guest	1.00 space/unit

For purpose of calculation, Square Feet shall be based on gross square feet.

- a. Off-street parking shall be provided to accommodate all vehicles required for the permitted use of each site. On-street parking within private drives is permitted and encouraged, provided that on-street parking does not obstruct line of sight.
- b. Shared parking agreements supported with shared parking study are encouraged for parking lots and garages to make more efficient use of the available parking between uses. The shared parking study shall be prepared in accordance with industry standards, such as ULI Shared Parking methodology, and approved by the Planning Director or his/her designee.
- c. Residential guest parking can be shared with mixed-use, non-residential uses.
- d. All surface spaces will be single striped on center and shall be minimum nine (9-ft) feet wide and eighteen (18-ft) feet long.

- e. Parking spaces within structured parking shall be nine (9-ft) feet wide and eighteen (18-ft) feet long.
- f. Car overhang onto sidewalk permitted only when a minimum required sidewalk width is maintained. The two feet of additional landscape may not be included in the required landscape setback.

3.6 Parking Landscape Standards

Landscape development in parking areas shall be designed to provide safety and comfort to the drivers and pedestrians and enhance the visual quality of the City. The design shall reduce auto noise, lights and glare, and ambient temperature. The design shall also minimize visual disruption from the surrounding streets and adjacent developments, per MVMC.

- a. Landscape finger planters shall have a minimum interior dimension of five (5) feet by sixteen (16) feet, exclusive of curbs, step-outs, and other hard surfaces. A finger planter with parking on one side has a minimum curb-face-to-curb-face dimension of seven (7) feet. An island with parking on both sides has a minimum curb-face-to-curb-face dimension of eight (8) feet.
- b. Diamond planters have a minimum of twenty-five (25) square foot interior area (exclusive of perimeter curbing) with minimum interior dimensions of five (5) feet by five (5) feet. The minimum exterior area (including perimeter curbing) is thirty-six (36) square feet.
- c. A finger planter is provided at an interval of every twelve (12) parking stalls along any row of parking. Minor adjustments are allowed in cases where this exact interval would be infeasible.

- d. Planter Curbs and Step-Outs. Planters shall be separated from parking spaces by a six-inch wide concrete curb. Where a planter (finger or island) is located on the side of a parking space, a twelve (12) inch wide concrete step-out is required along the long dimension of the parking space. A step-out is required, in addition to a six-inch curb, resulting in a combined concrete surface measuring eighteen (18) inches in width.
- e. Trees shall be planted at the equivalent of one tree per thirty (30) linear feet of horizontal building dimension facing the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects.
- f. Parking lot trees shall be a minimum of fifteen (15) gallon size, twenty-five (25%) percent of the required trees shall be twenty-four (24") inch box or larger. One-half (1/2) of the twenty-four (24") inch box trees shall be placed in the street frontage or side yard setback.
- g. The selection of parking lot trees should emphasize the provision of summer shading of pavement and vehicles. A maximum of fifty (50) percent of the parking lot trees may be deciduous. Avoid trees with excessive leaf litter, sap or fruit that could damage vehicles.
- h. Dead-end parking aisles which exceed 300-feet in length for dual lanes, shall provide turnaround facilities (i.e., hammerhead).

3.7 Landscape Standards

A landscape concept has been developed for PA 2A that will reinforce patterns established by the concept land use plan to create an identity and placemaking. Various landscape design elements are selected for the streetscapes, entries, and buffers will be integrated

to complement the sense of cohesiveness throughout the development.

As development projects are implemented, landscape plans shall be approved consistent with the requirements below. The site shall comply with the following minimum requirements:

- a. A twenty (20) foot landscape edge treatment on private property side of freeway property line shall be provided on commercial properties.
- b. Building walls above fifty (50) feet in height shall be setback five feet for every ten (10) feet of additional structure height above thirty (30) feet unless otherwise approved by planning commission.
- c. The landscaped buffer shall have an average of one 24-inch box (min) canopy tree per 25 lineal feet. The minimum caliper size for all trees shall be 2 inches, measured approximately 12 inches above the ground.
- d. The trees can be placed in groups in order to achieve a particular design. Six (6) five-gallon size shrubs per 25 lineal feet shall be provided, either clustered or linear. As an alternative, the use of three (3) five-gallon size shrubs and ten (10) one-gallon size shrubs is acceptable provided the plant material adds color and variety to the design.
- e. Trees generally regarded as having invasive or surface roots shall be installed in root control planters as specified in the City of Moreno Valley. Trees located within 5 feet of walks and walls must have root barriers.
- f. The minimum palm tree size shall be 10-foot brown trunk height in all areas.

- g. All trees shall be planted and staked according to the Best Management Practices for that particular type of tree. This may include single-stake and tie, double-staking, cross bar, and multiple stake methods.
- h. Any new surface parking lots shall be planted in accordance with the MVMC.
- i. All landscaping shall comply with the City’s water efficient landscape requirements in accordance with the MVMC.
- j. Landscape maintenance equipment shall utilize best management practices to provide dust free and weed free conditions.
- k. See Title 9 of MVMC requirements. Each individual project site within PA 2A has been divided into two distinct landscape zones:
 - a. The Transition Zone while includes the property between the landscape setback and buildings or parking lots within individual developments.
 - b. The Interior Zone which includes all other landscape areas located on individual parcels.
- l. Landscape requirements for the Transition Zone have been established to insure a sense of continuity between individual parcels and the general development areas. All areas within this zone must "incorporate a minimum of sixty percent (60%) of the same trees in the general development area adjacent to the parcel.
- m. Guidelines for the Interior Zone allow for the individual project's identity to be reinforced through the use of a wider variety of plant materials. However, in order to strengthen the Moreno

Valley Mall landscape theme, plant materials within this zone shall be selected from the "Project Plant List" in Section 4.6.4 simplified palette of plant materials, including evergreen and deciduous trees, should be used in order to maintain the desired landscape theme for each individual lot.

3.8 Signage

Exterior signs shall comply with the MVMC, Towngate Specific Plan, and any approved amendments. An updated sign program will be prepared as part of the first implementing project within the PA 2A.

Ongoing amendments to the sign program shall comply with the general provisions for amending the Sign Program included in Section 3 of this document.

- a. The height of a monument sign is the vertical dimension measured from the average finished grade level to the highest point of the sign. The height of a monument sign can be determined and approved in the sign program.

3.9 Lighting

All lighting within the boundaries of PA 2A shall conform within the provisions of the Moreno Valley Municipal Code. A consistency in design elements should be reflected in all project components, including lighting. Individual project developers may select their own light fixtures but are encouraged to use those recommended in the following guidelines:

- a. Walkway lighting must have cut-off fixtures mounted at a uniform height no more than eight (8) feet above the walkway.
- b. Site lighting should not exceed more than 5 foot-candles of illumination within 50 feet of a property used as residential.

- c. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed one-quarter foot-candle minimum maintained lighting measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.
- d. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one foot-candle of light with a maximum of eight foot-candles on the parking or walkway surface, unless otherwise approved, for visibility and security. Such lighting shall not exceed one-quarter foot-candle minimum maintained lighting measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground.
- e. For driveways, lighting poles remain at a twenty-five (25) feet maximum. For parking areas, lighting poles remain at twenty (20) feet maximum.
- f. Nonresidential Areas. Outdoor on-site lighting on commercial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except as otherwise approved by the Director of Planning.
- g. Parking lot light fixtures and screening shall comply with Moreno Valley Municipal Code Title 9 Planning & Zoning, Chapter 9.08 General Development Standards.
- h. Lighting must meet all requirements of the City of Moreno Valley.
- i. All luminaires shall be metal halide or L.E.D.

- j. Lighting should be designed to avoid light spillover into adjacent properties. The use of shielded light fixtures will be necessary on parcels that adjoin residential neighborhoods.
- k. Pole bases may be round or square. Pole bases in planting areas may be no higher than 6 inches above grade.

3.10 Utilities

As development projects are implemented, utility plans shall be approved consistent with the requirements below. The site shall comply with the following guidelines provided in Section 4, *Design Guidelines*, and in the MVMC where not specified.

- a. All utilities are to be installed underground unless otherwise specified in Section 4, *Design Guidelines*, or approved by the Planning official or his/her designee.

4 DESIGN GUIDELINES



4.1 Design Guidelines Introduction

4.1.1 Purpose

MVM SPA Design Guidelines are intended to guide development that is high quality, cohesive, and supportive of the overall vision for PA 2A. The guidelines provide direction for proceeding with design projects and illustrate options and techniques that assist property owners, developers, architects, and others when determining the appearance, functionality, and design of new development.

The guidelines include the following sections:

- Introduction
- Site Planning and Building Placement Guidelines
- Architecture
- Parking Lot/Structure Design
- Streetscape and Open Space
- Landscape Standards
- Signage and Wayfinding (primarily covered in the Master Sign Program)
- Lighting
- Sustainable

As retail trends continue to shift towards experiences, it is important that traditional malls such as Moreno Valley Mall adapt to meet the changing demands of the marketplace. These Design Guidelines lay out how future development can combine experiential uses with the successful elements of traditional malls to create a vibrant community asset that strengthens not only the Freeway 60 corridor, but the City and region as a whole.

4.1.2 How to Use the Design Guidelines

The Design Guidelines provide recommendations when completing a development project. Prior to submitting a project, applicants should review the Design Guidelines to ensure that their proposed development is keeping within the character of the community and guiding principles envisioned for the Specific Plan area.

The Design Guidelines are not development standards or zoning regulations. Where there is conflict between the Design Guidelines and the MVMC, the MVM SPA will supersede those guidelines.

Projects must be consistent with the general intent of the guidelines. However, alternative design approaches that meet the intent of the Design Guidelines but are not expressly discussed within this Section may be considered by the Community Development Director.

This document includes guidelines for the development of residential, commercial, and office projects within the Specific Plan area. Graphics and diagrams are included to illustrate guideline intent and are not intended to show the only possible design treatment.

4.1.3 Modification of the Existing Mall

The following design guidelines are tailored primarily to address new development within PA 2A.

4.1.4 Related Standards and Guidelines

The City of Moreno Valley has additional design guidelines, standards, and regulations that should be reviewed during the design process for any new development or renovation. The MVM SPA Design Guidelines take precedence over other City design guidelines.

DESIGN GUIDELINES | 4

4.1.5 Guiding Principles

The design guidelines are intended to establish a higher standard for design within PA 2A. The Guiding Principles are described within Section 1, *Introduction*.

The overall goal is to create an experiential community with a mix of uses that cater to the needs and desires of all community members, from families to young working professionals, to seniors looking to live in close proximity of restaurants, retail, and services.

Successful design depends largely on having the correct composition of uses, the appropriate size and form of buildings, a relationship of those buildings to open space, the ability for people to get to the area easily through multiple modes of transit, and the ability to easily explore the space once inside. The ultimate goal of these design guidelines is to ensure that future development incorporates these elements to create an exciting, unique, and enjoyable experience for shoppers, residents, visitors, and working professionals alike.

The following Guiding Principles were created in order to ensure that the design guidelines are supportive of the overall vision of the MVM SPA.

Principle 1: Enhance the Mall as an Iconic Local Destination.

Principle 2: Offer a Unique Lifestyle and Entertainment Experience.

Principle 3: Promote a Diverse Mixture of Uses.

Principle 4: Promote Moreno Valley Cultural Experience.

4.2 Site Planning and Building Placement Guidelines

The first consideration for any development project is the site plan. The site plan considers the layout of buildings, open space, parking, and other uses within the site as well as the relationship of the site to the surrounding context. The arrangement and character of the

buildings and their relationship to open space is what creates a sense of place and determines the quality of the urban form.

4.2.1 Building Placement and Orientation

Effective building placement on a site is critical to shaping the overall character of an area and how users experience that site. Building placement determines the movement of people and vehicles into and through the space, informs the defining characteristics of open space, and establishes a relationship between uses of those buildings throughout the site.

Building orientation refers to the direction in which a building is facing on a site. The positioning of windows, rooflines, and other architectural features can be designed to take advantage of passive and active solar opportunities. Additionally, the orientation of commercial storefronts and entrances on major pedestrian activity routes is an important factor in determining the long-term success of commercial retail uses.

A. Building Siting

- DG-1** Buildings should be located to define, connect, and activate engagement between public and private open spaces as usable plazas, parks, and gathering spaces.
- DG-2** Buildings should be located directly adjacent to the pedestrian walkway to promote ease of access and an urban environment. Landscaped setbacks are only recommended where commercial, residential, office, and hotel uses abut public streets.
- DG-3** Buildings should be generally oriented parallel to streets with varying setbacks to provide visual interest and create a hierarchy of pedestrian scaled architectural features and character.

- DG-4** When possible, free-standing buildings should be sited along street frontages. The intent of this is to help screen parking areas and establish a more urban street concept.
- DG-5** Buildings should be oriented to promote privacy for individual residential units to the greatest extent possible.
- DG-6** Buildings should be arranged to facilitate convenient access to transit stops.
- DG-7** Buildings and on-site circulation should be organized to minimize areas of conflict between pedestrians and vehicles.
- DG-8** Link buildings to pedestrian areas such as sidewalks, parking structures, and parking lots and provide physical separation of pedestrians and vehicles wherever possible.
- DG-9** Buildings with first floor storefronts should be oriented toward public use sidewalks that is easily accessible to visitors and guests.
- DG-10** Building design and orientation should take advantage of sun angles and exposure in order to minimize mechanically heated or cooled environments at different times throughout the year.
- DG-11** The finished floor of ground-level uses should not be significantly above or below the adjacent sidewalk and promote ease of access.
- DG-12** On-site grading should not significantly impact adjacent parcels.

B. Compatibility

- DG-13** Commercial, residential, and hospitality uses should be planned in consideration of each other with the Master Plan and overall site connectivity a priority. Uses shall not be completely isolated.
- DG-14** Commercial, residential, and hospitality structures may be placed adjacent to one another, provided they meet the required minimum setback, in a horizontal mixed-use setting or stacked with residential on top of commercial or office uses to promote an urban environment.
- DG-15** When residential and commercial uses are located in the same structure in a mixed-use setting, development should provide separate entrances for each use.
- DG-16** Residential uses should not front onto commercial or office loading areas or back-of-house facilities.
- DG-17** Large multi-family residential projects should be defined and delineated in groups of Units. Clusters of multi-family structures should work together as one development.

C. Public Safety Through Design

- DG-18** Use the concept of natural surveillance, or “eyes on the street,” by promoting features that maximize the visibility of people, parking, and building entrances.
- DG-19** Delineate the separation between public and private spaces with paving, building materials, grade separations or with physical barriers such as landscaping.
- DG-20** Use the concept of territorial reinforcement by promoting features such as landscape planting, paving designs, and

DESIGN GUIDELINES | 4

gateway treatments that define property lines and distinguish private space from public space.

- DG-21** Use the concept of natural access control by designing streets, walkways, building entrances, and development entries to clearly indicate public routes and to discourage access to private areas.

4.2.2 Site Access, Service Areas, and Utilities Guidelines

Access into the site takes place primarily from Town Circle, either directly or via Centerpoint Drive or Heritage Way. As the area intensifies with surface parking replaced by additional residential, office, and commercial uses, locating primary and secondary access points at key locations throughout the site will be important to facilitate the movement of residents, employees, visitors, and retail goods.

A. Pedestrian and Bicycle Access and Circulation

- DG-22** Primary access points to buildings and pedestrian spaces should be clearly defined using accent paving, signage, or other architectural features.
- DG-23** Pedestrian and bicycle facilities should be designed to conveniently and safely provide connection to the public street and bike network.



Entrance points should have a clear organization with engaging placemaking to define the area as an entry to the site.

B. Vehicular Access and Circulation

- DG-24** Ingress and egress points to the site should align with access points on adjacent properties to create opportunities for four-way stops and intersections. Driveway access locations should also consider adjacent driveways.
- DG-25** The site entry driveway location should be coordinated with existing or planned median openings. Driveways

should also line up with driveways on the opposite side of the public roadway.

- DG-26** Internal streets should efficiently facilitate movement of vehicles from external streets to parking lots and structures.
- DG-27** Elements such as speed bumps, mid-block crossings, and other traffic calming measures should be implemented where feasible.
- DG-28** Site circulation should allow for and facilitate emergency access to the site and all buildings.

A. Service Areas, Trash Enclosures

- DG-29** Service areas, such as loading docks, utility areas, and back of house entrances should be planned to minimize visibility from primary public view corridors. This may include screening with landscaping or vertical hardscape elements or being incorporated within the shell of the building. Some short-term retail loading may be located in more directly viewed areas.
- DG-30** Loading and unloading zones should provide adequate space for maneuvering into and out of a loading position. These areas should be designed to integrate with the entire development.
- DG-31** Planning and Design of Loading Areas shall consider cross pedestrian traffic and minimize safety concerns and conflicts with typical operations.
- DG-32** Refuse, storage, and equipment areas should be screened from public streets and/or neighboring residential

properties. Screening should be compatible with the design of adjacent architecture.

- DG-33** Refuse storage areas that are visible from upper stories of adjacent structures should provide an opaque or semi-opaque horizontal cover/screen to reduce unsightly views. The screening should be compatible with the design of adjacent development.
- DG-34** Accommodate requirements for stormwater storage and discharge and underground utility locations when locating buildings and landscaping.

B. Utilities

- DG-35** Easements for underground utilities that preclude the planting of trees may not be located where the design guidelines require the planting of trees.
- DG-36** Any necessary above ground equipment such as detector check assemblies, backflow preventers, transformers, Moreno Valley electric utilities, etc., shall be screened from view from public areas by landscaping subject to approval of the Fire Department.
- DG-37** *Ground Mounted Equipment:* All exterior ground-mounted equipment-including, but not limited to, mechanical equipment, electrical equipment, emergency generators, boilers, storage tanks, risers, electrical conduit, gas lines, cellular telephone facilities, and satellite dishes shall be screened appropriately with solid walls and/or landscaping and shall be away from the front of the building, per MVMC, Chapter 9.08 - General Development Standards.

DG-38 *Roof Mounted Equipment.* All roof-mounted equipment including, but not limited to, mechanical equipment, electrical equipment, storage tanks, cellular telephone facilities, satellite dishes, skylights, vents, exhaust fans, smoke hatches, and ducts must be below the top of the parapet or equipment screen. Roof access shall be through roof hatches or stairs, not exterior ladders. Roof hatches shall be located so that guardrails at parapets are not required.

Appropriate Treatment:

- a) Rooftop screens should be provided to screen the equipment and align with the Architectural theme.
- b) All roof mounted mechanical equipment shall be screened from the ground elevation view to a reasonable sight distance. Above ground utility service areas and enclosures shall be screened from view with landscaping and decorative barriers or baffle treatments.

Inappropriate Treatment

- a) Rooftop equipment extending above parapet or screen
- b) One-sided rooftop screens that do not hide the equipment from view from secondary streets or from adjacent sites
- c) Rooftop screens too close to parapet
- d) Rooftop screens not related to building geometry
- e) Wood rooftop screens

DG-39 *Ancillary Structures.* On a case-by-case basis, additional buildings may be required to house functions for the proper operation of the facility. The design guidelines found herein apply to all structures regardless of the time of construction, location on site, or use they contain.

4.2.3 Design Objectives

The objective of these guidelines is to promote the planned environment of a quality Mixed Use development serving Moreno Valley residents, users, guests, and visitors to the area. PA 2A should be developed in a manner that promotes a modern, forward thinking, and pleasant atmosphere. And as such intended to produce a holistic but diverse, and creative community experience.

The follow guidelines pertain to site design and are organized according to the permitted land use within the SPA area.

A. Commercial/Retail

- DG-40** Building volumes and massing with horizontal and vertical offsets shall vary in rhythm and pattern to prevent monotony.
- DG-41** A design hierarchy shall be established to promote clear relationships between entrances, adjacent sites, buildings, topography, and views.
- DG-42** Building planning and landscape shall be designed to allow for clear awareness of signage and wayfinding elements in an accessible manner.
- DG-43** Parking areas shall be readily accessible to primary paths of travel.

DG-44 Inclusion of enhanced pedestrian experiences where appropriate, shall be provided with seating, social features, shade, paving design, lighting, etc.

DG-45 Site design shall accommodate various modes of transportation in arrival and departure processes.

DG-46 It is encouraged to consider commercial employee experiences and ancillary spaces for the health and welfare of all users.

B. Office/Professional Services

DG-47 Building volumes and massing must be designed to provide a unique and recognizable character in the context of the SPA area and broader view corridors.

DG-48 A design hierarchy shall be established to promote clear relationships between entrances, adjacent sites, buildings, topography, and views.

DG-49 Building orientation and technologies should advance site sustainability and respond with adjacent development in a cohesive manner.

DG-50 Scale of buildings should be compatible with nearby uses.

DG-51 Visitor and employee parking, drop-off and pick-up, shall be planned for ease of access, operations, and integrated to the overall circulation network.

C. Residential

DG-52 Building volumes and massing must be designed to provide a unique and recognizable character in the context of the SPA area and broader view corridors.

DG-53 Entrances shall be defined clearly by separate public and private access.

DG-54 Residential Parking shall be separate and secured from public parking

DG-55 Resident Amenity spaces shall be separate and secured from public access

DG-56 Trash / Loading areas shall be organized in a way to allow for easy operations. These areas shall not be highly visible from primary frontages.

D. Hospitality

DG-57 Building volumes and massing must be designed to provide a unique and recognizable character in the context of PA 2A and broader view corridors.

DG-58 Drop off and Pick up areas shall be easily accessible and integrated into the broader circulation network.

DG-59 Exterior gathering or event spaces shall be defined by elevated design attributes. This may include landscape, paving, site features and lighting, etc.

4.3 Architectural Design

4.3.1 Architectural Character

New development within the planning area will be defined by innovative, creative, high-quality architecture, no matter the architectural style. Architectural components and details are the most visible component of project and are often what creates a lasting first impression for visitors. New development should first and foremost improve the aesthetic quality of the area by enhancing existing features found both on-site and off-site. New development should complement surrounding architectural styles and quality but

DESIGN GUIDELINES | 4

should not be constrained to duplicating existing on-site architectural styles as aesthetic qualities, trends, and materials are constantly updating and changing. Development within PA 2A, both existing and future, should continue to periodically renovate to ensure that the appearance of on-site structures do not become dated, and the mall area remains an example of high-quality architecture within Moreno Valley.

- DG-60** New development should respect the nature of the surrounding historic architectural styles within Moreno Valley while pursuing contemporary and modernized creative identities in line with current or aspirational trends. Historic architectural styles and features have been inspired by the hot, arid climate and strong sun, the rugged mountain and chaparral landscape, Native American and Spanish Colonial cultural influences, and the automobile.
- DG-61** Buildings should emphasize a clear architectural identity, appropriately articulated, and detailed for that style. Mixtures of styles and details are considered acceptable but should convey a clear idea of purpose.
- DG-62** Additions or modifications to existing structures should complement and enhance the architectural style of the existing building. This may be a reinforcing or even contradictory approach.
- DG-63** Architectural elements should serve to blend buildings into on-site open space components to create a cohesive space in consideration of a guest's journey through the site.

- DG-64** The use and size of specific architectural details, such as cornices, columns, banding, or other elements of building design should be fitting of the architectural style.
- DG-65** All support structures within multi-family residential developments (i.e., laundry facilities, recreation buildings and sales/lease offices) should be compatible in architectural design with the rest of the complex or integrated within the structure.

4.3.2 Form and Massing

Form and massing are the overall shapes and sizes of buildings in comparison to their surroundings. Large buildings can make the adjacent plaza feel uncomfortable if the ratio of height to open space is not appropriate. Similarly, too much open space surrounded by one-story structures can lose a sense of scale and definition. Adequate form and massing, which includes architectural techniques such as controlling sun exposure, glare, and acoustics, can subconsciously create enjoyable spaces that visitors will want to spend time in.



Buildings should help to define common open spaces.



Example of potential building form.



Strong lines and banding help to break up large building faces.

A. General Guidelines

- DG-66** Each building should have a clearly identifiable base floor, body, roof lines and entry points.
- DG-67** Upper floors should include variations in the façade plane to increase building aesthetic interest and allow for balcony or other outdoor amenities.
- DG-68** Multi-story buildings that do not include façade step backs should include horizontal architectural elements such as banding, windows, trim, awnings, eaves or other detailing to promote architectural character.
- DG-69** Architectural elements such as recessed or projecting balconies, verandas, canopies, operable windows and other elements that add visual interest, scale, and character to the development are encouraged.
- DG-70** Tall, dominating structures should incorporate first-floor elements, such as arches, trellises, or massing, at a human

DESIGN GUIDELINES | 4

scale to ensure that large structures are consistent to the character of the streetscape.

- DG-71** “360 degree” architecture should be implemented for uses such as hotels and offices. All faces of a building, no matter if visible from a current public space or not, should receive consideration in regard to the design hierarchy of features and architectural interest.
- DG-72** Boxy and monotonous facades and large expanses of flat wall planes are strongly discouraged.
- DG-73** Varied building heights are encouraged to provide visual interest.

B. Roof Articulation

- DG-74** Roofs should display an equal level of design attention on all elevations and provide design details that exhibit appropriate horizontal and vertical mass and scale relationships.
- DG-75** Roof elements and design features (e.g., pitch, materials, eaves, dormers, etc.) should exhibit a consistent hierarchy on all elevations, including those that are not visible from the public right-of-way.
- DG-76** It is encouraged to plan roofs of elevated views with amenity spaces or leasable opportunities.



Minor roof articulation helps to break up solid building skylines.

C. Wall Articulation

- DG-77** Long building facades should be broken up through the use of vertical and horizontal design elements, including windows, banding, glass tinting or colored glass elements, or material changes through unique patterns or designs.
- DG-78** Buildings should incorporate appropriately scaled design elements at lower levels where they are easily visible to pedestrians. This can include façade articulation to create “forecourt” type courtyard spaces.
- DG-79** Pedestrian level exterior walls should have elements of building depth and character. Emphasize windows, trellises, roof overhangs, recessed or projected stories, columns, balconies, awnings, or other features.



D. Building Access

- DG-80** The main entry to each building should be clearly visible from the nearest public circulation walkway.
- DG-81** Vertical Transportation should be strategically located to primary access points and/or directly adjacent to the lobby served and should be visible as broadly as possible.
- DG-82** Access to dwellings should provide a unique identity for the individual unit, allow opportunities for social interaction, and increase natural surveillance.
- DG-83** Walkways and access to dwelling units should be designed in compliance with Building Code and facilitate the moving of furniture by considering minimum widths, heights, and turning angles.



Wall articulation helps to break up large building forms and create architectural interest.

4.3.3 Materials and Colors

Materials and colors for the Planning Area are subject to the individual styles of each building. Development should be of high-quality materials that can withstand weathering and daily use without the need for constant replacement.

DESIGN GUIDELINES | 4

- DG-84** Exterior materials, textures, and colors should be appropriate for the architectural style or theme of the building and contribute to the visual quality of the area.
- DG-85** The predominant colors for dwelling units and accessory structures should reflect the overall design intent of the development. Appropriate use of more than one predominant color is encouraged. Compatible accent colors are encouraged to enhance important building elements.
- DG-86** Colors and materials should be durable and not readily deteriorate or fade if exposed to the elements.
- DG-87** Materials such as brick, stone, copper, etc. should be left in their natural appearance. Such materials should not appear thin or artificial. Veneer should turn corners and avoid exposed edges.
- DG-88** All materials for exterior applications should be finished. Inappropriate materials for exterior applications include:
- Plastics/Plastic Laminates
 - Asphalt shingles
 - Corrugated fiberglass, or plastic
 - Plywood or similar
 - Highly reflective materials
- DG-89** Exterior materials and architectural details should complement each other. Avoid introducing elements, features additions that are not complementary.

- DG-90** Colors should be non-reflective. Colors and materials should be subdued or flat-toned so as not to produce excessive reflected glare from the sun.
- DG-91** Color should be used to accent architectural details.
- DG-92** Roof protrusions such as roof flashing, rain gutters, downspouts, and vents should be finished to match the architectural style of the building.





The design of window storefronts is critical to the success of retail stores, often emphasizing large amounts of glass that allow consumers to see clearly into the store.

4.3.4 Windows, Doors, and Storefronts

The amount of transparency within building facades is important in defining the appearance of a building. Commercial development is focused on bringing people in through showcasing goods and services and therefore is generally characterized by a level of transparency through the primary facades. Adversely, residential buildings often prioritize the privacy of residents and focus on strategically placed windows that allow natural light in, while blocking views from the public realm or neighboring properties.

Door and window treatment also contribute to the appearance of a building and emphasis on certain areas can help to define them as a particular use, such as a primary entrance. This makes the building easier to navigate and are more functional as a whole.

DG-93 Building recesses are encouraged to define primary entryways and major windows along a building's exterior

and to provide weather protection and a transition zone from sidewalk activity into a store.

DG-94 Primary building entries should be easily identified and provide a prominent sense of entry. The use of projections, columns, entry lobbies, or other design elements are strongly encouraged.

DG-95 Doors, windows, or other openings should be uniform in design and type to present a consistent appearance in the elevation except where the variations are an integral and necessary part of the exterior design.

DG-96 Commercial storefronts adjacent to the public walkway should use unique and varied glass windows to provide views into stores or show off display opportunities.

DG-97 Minimal or light window tinting is encouraged on lower floors that are accessible to the public, especially on commercial storefronts. Darker window tinting and other window treatments are appropriate on higher floors to manage building heating and cooling needs.

DG-98 Providing additional pedestrian entrances to large buildings is encouraged. Improvements to these entrances should be subtle and may include signage, landscaping, and material changes.

DG-99 Operable storefront systems are encouraged to take advantage of climate conditions and promote activity and engagement between public and retail/commercial business.



Outdoor patios and glass panes transition the inside of this storefront into the public realm, visually creating one unified place.

4.3.5 Sustainable Design

Green building decreases the negative impact to the environment through sustainable techniques: creative design, construction, and operational applications. Organizations such as the World Green Building Council provide information and certifications for buildings that meet certain design-build criteria. Buildings that receive these certifications often use renewable energy, reduce pollution and waste, promote the re-use of recycled materials, and make efficient use of energy, water, and other resources.

- DG-100** Materials and technologies that minimize environmental impacts, reduce energy and resource consumption, and promote long-lasting development are encouraged.
- DG-101** Incorporate life cycle planning and decision making.
- DG-102** Window technologies such as tinting or insulated daylighting panels, should be utilized to decrease the energy costs associated with cooling buildings during most of the year where maximum transparency is not required.



Green roofs and solar panels are two methods to reduce energy costs through building design.

4.4 Parking Lot/Structure Design Guidelines

4.4.1 Parking Facilities and Vehicular Access

Creative parking solutions will be critical in accommodating the increase of visitors, workers, and residents anticipated with the buildout of PA 2A. New development must accommodate for the necessary amount of parking, as defined in Section 3, *Development Standards*. As the area intensifies, potential increased use of public transit and alternative means of transportation may alter the amount of on-site parking needed.



Parking lot design should facilitate easy movement in and out of the plan area.

A. General Guidelines

- DG-103** Parking areas should be located with the development's interior and not along street frontages.
- DG-104** Surface parking lots are encouraged to be shared amongst surrounding uses.
- DG-105** For security reasons, provide sight lines out to the parking areas where appropriate.
- DG-106** Parking spaces should be sited to produce direct pedestrian route of travel from a building entrance.
- DG-107** Unobstructed visibility and clear delineations between pedestrian paths and vehicular travel aisles should be provided.

B. Parking Lot Design

- DG-108** Parking lots should be designed with a clear hierarchy of circulation, including major access drives with no direct access to parking spaces; major circulation drives with little or no parking; and parking aisles for direct access to parking spaces.
- DG-109** Travel aisles should be aligned to avoid vehicles competing for the same travel aisle space while making left-hand turns.
- DG-110** Surface parking lots must provide shade trees. The City of Moreno Valley's Commercial Area Landscape Standards requires one landscaped area per 10 spaces in commercial parking lots. Landscaped areas must be a minimum of 8.5'x18' and contain at least one 15-gallon tree.
- DG-111** Parking areas for motorcycles and bicycles are to be designed for orderly, uncluttered parking. Bicycle parking areas are to be provided with racks and locking capabilities per MVMC.
- DG-112** Drive aisles should make a loop around the structures and avoid dead end parking when feasible.
- DG-113** Dead-end parking aisles should not be used. The use of "hammer head" or vehicle turnaround areas may be acceptable in limited cases.
- DG-114** Where double rows of parking are provided, diamond or island planters are provided. Minor adjustments are allowed in cases where this exact interval would be infeasible.

DESIGN GUIDELINES | 4

DG-115 Parking lot trees shall be planted at a cleared distance from light standards so the trees will not interfere with the lighting pattern of the light fixture. Light standards shall be shown on conceptual plans and subsequent planting plans.

- (a) Parking lot trees shall be provided by means of tree wells and/or stall length landscape islands at an average rate of one (1) tree per twelve (12) parking spaces in a row.
- (b) Diamond tree planters shall have a minimum interior width of 5', minimum 25 SF.
- (c) Shade trees shall provide 50% shade within 10 years when calculated during summer months when calculated between the hours of 1pm and 4pm.
- (d) Full parking stall length landscape islands shall be provided at the ends of all parking rows. End islands shall contain two (2) parking lot trees minimum.
- (e) Parking lots shall be screened from the public right-of-way with either a 36" high wall, berm or landscape screen hedge.

DG-116 Parking lot design shall include openings in curbs to convey water runoff into landscape areas for water quality, retention, and absorption.

C. Vehicular Access

DG-117 The number of vehicular access points to parking facilities should be minimized to decrease interruptions to surrounding roads and drives.

DG-118 Parking lot access points should not interfere with the function of adjacent drives.

DG-119 To ensure visibility for vehicles entering and exiting the site, unobstructed site lines at corners and mid-block should be provided. Visual obstructions at entrances and exits are prohibited within a 15 ft. diagonal cut-off (triangular area). The location of utilities within these areas should be avoided.

DG-120 The design of the driveway throat from the intersection to the first internal drive aisle or parking garage entrance should prevent stopped vehicles from blocking internal circulation.

DG-121 Access to commercial loading docks should be provided off of private drives to minimize disruption of commercial activities.

D. Pedestrian Circulation in Parking Lots

DG-122 Pedestrian circulation should be clearly delineated and separate from automobile circulation. The use of landscaping, walkways, and decorative hardscape to delineate pedestrian circulation should be used to the greatest extent feasible.

DG-123 Pedestrian crossings at driveways and major circulation aisles should be accentuated by extending pedestrian sidewalks into the parking aisle/lane.

DG-124 Design parking areas so pedestrians walk parallel to moving cars. Parking lot design should minimize the need for pedestrians crossing parking aisles and/or landscaping islands to reach building entries.

- DG-125** Pedestrian access between parking facilities and adjacent uses should be well-defined through signage, floor material changes, and safety elements such as bollards, painted walkways, separated walkways, and landscaping.
- DG-126** Drop-off areas should be designed as not to conflict with the regular flow of traffic.
- DG-127** Curb ramps should be placed along drop-off areas in areas that do not require pedestrians to enter the flow of traffic.

4.4.2 Parking Structures

Parking structures are key tools when planning for infill development. The style, size, and shape of parking structures vary depending on the associated uses, but all parking structure design should be fitting of an urban environment and apply creative strategies to ensure that other elements of the Specific Plan area, including architecture, open space, and landscaping, appear as the dominant aesthetic elements.

A. Parking Structure Location

- DG-128** “Wrap” style development, with commercial or residential uses wrapping around an internal parking structure, is encouraged.
- DG-129** Parking structures may directly abut pedestrian walkways.

B. Parking Structure Design – Exterior

- DG-130** Parking structure design should be efficient and use construction methods appropriate to the site-specific conditions within the SPA PA2.
- DG-131** Exterior elevations of the parking structure shall include horizontal design elements. Ramps shall be situated on the interior of the structure, concealed from view.

- DG-132** Exterior elevations may be finished with materials other than that of the principal building.

DG-133



Commercial uses fronting a parking structure to hide the visual impact of the structure.

DESIGN GUIDELINES | 4

- DG-134** Design of exterior elevations may be unique in style, character, and architectural elements. Proposed architectural elements should not be in stark contrast to those of adjacent structures.
- DG-135** Creative first- and second-floor exterior design solutions are encouraged to address visibility of cars from the public realm. This may include open-air or screening approaches, such as exterior-colored panels attached to the surface of the structure.
- DG-136** A trellis, green screen, or other buffering element may be incorporated into the building design where blank walls occur on the structure at the pedestrian level.
- DG-137** Accent materials, such as colored panels or art installations, are encouraged on parking structures.

C. Parking Structure Design – Interior

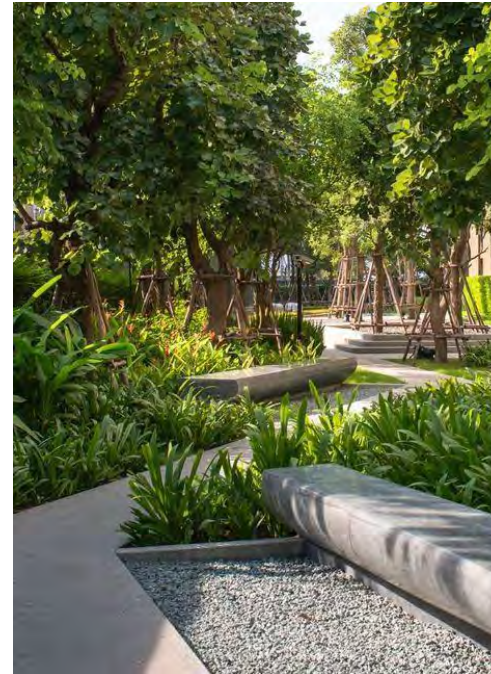
- DG-138** Parking structure design should be in keeping with current best practices. Low ceiling heights and steep ramp grades should be avoided.
- DG-139** Stairwells should be designed to match the architectural style of the overall structure. Creative methods of blending stairwells, whether internal or external to the building, are encouraged.
- DG-140** Internal gates or garage doors should incorporate architectural detailing that is consistent with the overall development's architectural design.
- DG-141** Internal pedestrian circulation should be designed to minimize conflict areas between pedestrians and

automobiles and provide open view corridors for pedestrians.

- DG-142** Parking structures should utilize modern technology to increase ease of use and wayfinding, including methods such as colored stall markers and signs displaying the number of spaces available per floor.

D. Landscaping and Amenities

- DG-143** Landscaping, including large dense trees when feasible, should be used to visually screen parking structures when adjacent to roadways and pedestrian walkways.
- DG-144** Layered landscaping shall be used to soften the foundation of parking structures and reinforce the pedestrian scale.



4.5 Streetscapes/Open Space Guidelines

4.5.1 General Design Criteria

The streetscape within MVM SPA is one of the primary community spaces for visitors, residents, and workers within PA 2A. Streetscape elements facilitate the movement of people and guide the interaction between commercial spaces and the public realm. Well-designed and programmed streetscape areas are critical to creating successful linkages between the commercial, residential, and office uses within the Specific Plan area.

Streetscape effectively encompasses everything between the building edge and the street curb. This space often includes pedestrian walkways, seating, outdoor dining and shopping opportunities, signage, and landscaping. Walkways that are primarily corridors to get visitors from point A to point B may focus on providing a heavily landscaped and safe walking experience, while streetscapes fronted by commercial storefronts should provide usable outdoor space that interacts with indoor elements of the adjacent commercial use. Streetscapes must create a pedestrian experience tailored with the surroundings.

A. Sidewalks and Other Right-of-Way Improvements

DG-145 Streetscape areas shall respond to the adjacent use, including any architectural details or articulation that may provide additional usable space for outdoor seating, dining, or events.

DG-146 Coverings, such as awnings, canopies, or architectural elements over doorways, windows, and pedestrian walkways may project into the pedestrian walkway provided they do not impede the required clear space.

DG-147 Bike racks, transit shelters, and other transit supportive uses should be easily accessible and deter riders from using pedestrian walkways as riding lanes.

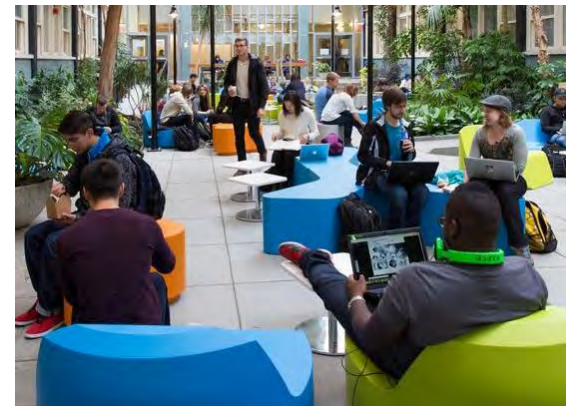
DG-148 Primary pedestrian walkways should be clearly delineated and remain clear of furnishings, signage, landscaping, and other impediments. This may be done with ground material changes.

DG-149 Walkways shall be located accordingly to minimize the impact of pedestrians along the privacy of nearby residences or private open space.

DG-150 Avoid siting a walkway directly against a building. A landscaped planting area between walkways and building facades is strongly encouraged.

DG-151 Design should incorporate stormwater remediation and other Low Impact Development (LID) techniques into the streetscape where feasible.

DG-152 Seating opportunities for visitors shall be provided within the streetscape area.



Creating seating opportunities is an important placemaking concept.

DESIGN GUIDELINES | 4

B. Streetscape Paving

- DG-153** Decorative paving shall be utilized at all primary entrances to public and private spaces and in high-traffic pedestrian areas to denote a node or gathering space. Examples of decorative paving can include brick, patterned colored concrete, stone block or pavers, interlocking colored pavers, permeable pavers, or other materials.
- DG-154** Decorative paving shall be utilized along primary pedestrian pathways and may include wayfinding elements to encourage pedestrian movement throughout the site.
- DG-155** Change of paving materials shall be utilized at areas of conflict between pedestrians and motorists as a traffic calming method.



Different paving patterns can help to define a pedestrian space or a space of intent.

C. Street Crossings

- DG-156** Street crossing shall be highly visible and provide protections for pedestrians, such as lighted crosswalks and signage, material changes, and on-ground markings.
- DG-157** Mid-block crossings shall be considered for high-traffic areas with expanses of street that have greater than 400' between the nearest intersections.



Paving pattern designs and changes in materials or colors help to further define pedestrian crosswalks and increase safety.

D. Streetscape Furnishings

- DG-158** Streetscape elements, (benches, light poles, trash enclosures, bicycle storage, etc.) shall be of high-quality materials and complement the existing architecture of the area.
- DG-159** Seat walls and raised planters shall be incorporated into the architecture of the adjacent structures.
- DG-160** Streetscape furniture shall be incorporated in a flexible manner to promote creative use of the streetscape area.

- DG-161** Tree grates shall be provided along street edges and locations where a continuous-level walking surface is needed.
- DG-162** Tree grates shall be provided to protect trees in high activity areas. Tree grate design shall be compatible with adjacent development and other street furniture.
- DG-163** Bike racks, bike corrals, or similar facilities shall be designed consistently with the adjacent streetscape furniture.

E. Streetscape Walls and Fences

- DG-164** The proportion, scale, and form of the walls shall be consistent with the adjacent building's design.
- DG-165** Walls and fences shall be kept as low as possible while performing their functional purpose. Heights of commercial walls and fences shall be kept to a minimum height to avoid a "fortress" image.
- DG-166** Landscaping shall be used in combination with walls to visually soften blank surfaces. Vines are strongly encouraged.
- DG-167** Colors, materials, and appearance of wall appearances, and fences shall be compatible with the development.
- DG-168** Visually penetrable materials (e.g., wrought iron or tubular steel) shall be used in areas of high pedestrian activity and areas adjacent to street frontage.
- DG-169** Wall design and selection of materials shall consider maintenance issues, especially graffiti removal and long-term maintenance.

4.5.2 Open Space

Access to usable open spaces is a critical component of commercial and residential development that provides the residents and guests opportunity for exercise, social gathering, and leisure. Open space can take both passive and active forms and include plazas, multi-use spaces, play structures, and pocket parks.

Open space within the planning area should be prioritized as the single most central element to a successful mixed-use property. As such, a balance and holistic hierarchy of opens spaces that connect parcels and uses and facilitates all various modes of circulation and places for rest is required. As discussed in the site planning section of these Design Guidelines, open space plays a vital role in defining the sense of place. Open space should be strategically located throughout the planning area and sized appropriately, with consideration taken into the number and types of potential users.

A. General Guidelines

- DG-170** Open space should be well lit during the evenings and planned so that light sources do not become hindered as time passes.
- DG-171** Clear site lines shall be evident to promote safe use and access of the area.
- DG-172** Open space should be flexible in its design to promote interactive engagement, encourage a variety of programming, and attract users of all age groups.
- DG-173** Common open space should provide site amenities that encourage linger time. Benches, seating areas, bike racks, art, water features and other appropriate amenities are strongly encouraged.

- DG-174** Open space should be sheltered from the noise and traffic of adjacent streets or other incompatible uses.
- DG-175** Open space shall be design in a way to promote passive cooling and shade from sunny hot times of day. Strategies should be utilized to create pockets of comfort zones.
- DG-176** Onsite outdoor play areas can provide children with a safe and interesting environment and allow parents to easily view play areas in order to supervise play activities. Open space zones shall be addressed to consider child activities of various age ranges.
- DG-177** The design of Play areas should consider safety and security by location, visibility, adjacencies, barriers, and access.
- DG-178** Common amenities such as drinking fountains and onsite trash receptacles must be located in or adjacent to high use areas (e.g., community facilities, play areas, public gathering spaces).

B. Common Open Space

- DG-179** Common open space should be designed to be open and inviting and provide multiple connection points from adjacent uses.
- DG-180** Common open space may take the form of hardscape (plazas, seating areas, decomposed granite) or softscape (turf, landscaped areas). The materials used should reflect the intended user and the surrounding environment.
- DG-181** Common open space located within commercial areas should be flexible in nature and provide opportunities to

host events such as movies in the park, food truck gatherings, and outdoor sales.

- DG-182** Common open space should be adequately shaded through the use of trees (see landscape plant palette for recommended trees) or shade structures. Where possible, seating areas should be located to take advantage of shade opportunities.
- DG-183** Design of common open space should consider the balance of the active and the observer. Highly successful open spaces are designed for “people watching” as much as the programmed engagement.



Game areas and outdoor seating are examples of programming in public spaces.

C. Private Open Space

- DG-184** Private open space associated with a particular use should be adjacent to that structure when possible to allow ease of use.
- DG-185** Open spaces, courtyards, and circulation corridors should be designed to be visible from as many dwelling units as possible.
- DG-186** Private open space may be designed as an extension of common open space when appropriate to maximize circulation, and site integration of uses.
- DG-187** Private open space may be gated or physically separated through the use of structures or landscaping.
- DG-188** Private open space design should utilize best practices when considering the user and level of privacy.



Example of private open space amenities, which includes fireplaces, lounge seating, and trellis structures.

4.5.3 Special Edge Treatment Areas

A. Town Circle

There are new street and pedestrian intersections proposed for the Master Site Plan and PA 2A. Edge, Corner and Boundary treatments shall have special consideration as design elements when further developing parcel identity and uses. All pieces and parts shall be proposed in consideration of the property as a whole.

DG-189 Landscape, streetscapes, sidewalks, and lighting shall be maintained in consistent manner along the entire perimeter of Town Circle and transition from parcel-to-parcel boundary without abrupt changes in character or design.

Primary Entry – Street 1

DG-190 The intersection of CenterPoint and Street 1 shall be conceived of as the primary entry of the master planned property.

DG-191 A primary design feature or set of features shall establish the intersection as an arrival experience.

DG-192 The uniqueness of this arrival point shall set the standard for all secondary and subsequent entries.

Secondary Entry – Street 3

DG-193 The intersection of Heritage and Street 3 shall be conceived of as a secondary entry of the master planned property and residential district.

4.5.4 Design Features

Primary Feature

A physical tower, archway, digital, kinetic or sculptural element may be used to represent the arrival to a significant open space or entry/exit point throughout the SPA area.

DG-194 A primary feature shall be unique in scale, character and presence to its location in a singular fashion.

Secondary Feature

DG-195 A secondary feature shall be representative of a consistent identity program throughout the property and derivative of the primary feature in some distinct and recognizable manner.

A. Public/Private Art Installations

Art installations are a unique component of the public/private realm that provides the opportunity to create an iconic image for the Specific Plan area. Art installations can showcase elements of local history, highlight the work of local artists, or set a theme for a specified area.

Art comes in all shapes and sizes, from large centerpiece installations to small artistic themes that complement the landscape or are incorporated into benches or walls. These guidelines do not prescribe a particular type or style of artwork, but art installations are expected to be distinctive and promote pride in the community. Art installations shall not be placed within the pedestrian walkway or any other area where they may impede the intended use of that area.

DG-196 Art installations should not be placed within the pedestrian walkway or any other area where they may impede the intended use of that area.

- DG-197** Public/private art should reinforce local or regional cultural themes.
- DG-198** Large, blank walls are encouraged to incorporate murals or bas-relief to break up large solid planes.
- DG-199** Public/private art should be located in prominent areas as a centerpiece to open space or plaza spaces. Art installations should be well-lit and maintained.
- DG-200** Public/private art zones should be designated, and the appropriate utility needs supplied in strategically located places throughout the planning area. This will allow for temporary or rotating public art installations.
- DG-201** Interactive art pieces that are meant to be climbed or sat on are encouraged, provided they meet the safety requirements outlined in the most recent version of the California Access Compliance Advisory Reference Manual regarding playground design standards.
- DG-202** It is preferable to have local, regional artists represented in the mix of art installations proposed.



Wall murals, free-standing structures, and shade structures are examples of functional public art.

4.6 Signage and Wayfinding

The two primary purposes of signage within PA 2A are to bring people into the site and easily allow them to navigate within PA 2A once they arrive. The Specific Plan Amendment anticipates a number of different uses mixed throughout the site to create the urban form. As a result, clear and concise signage and wayfinding elements will play an important role with pedestrian circulation from off-site or parking areas to their intended destination. A sign program for PA 2A may be developed separately. This can be accomplished through the use of:

- directional and identification signage
- informational kiosks or interactive maps
- paving material changes
- landscaping and other softscape technique

DESIGN GUIDELINES | 4

Additionally, PA 2A is located along SR-60 frontage, providing opportunity for freeway-oriented signs that help visitors identify buildings and uses.

A. Building Identity Signs

- DG-203** Commercial building identity signs shall clearly display the use within the building and be oriented towards SR-60. They should be placed prominently on the top half of the building and be visible from far distances.
- DG-204** Building identity signs shall be proportional to the height and scale of the building. It shall follow all applicable standards for signage listed in the Moreno Valley Municipal Code.
- DG-205** The signs shall be designed as a component of the overall building and complement the architecture of the building.
- DG-206** Building signs may be backlit or lighted to increase visibility at night. Projected signs that are only visible at night should also be considered for daytime and temporary uses.



Building signage shall clearly identify the associated building or development at a pedestrian level.



Building signage shall also be included on the building façade when adjacent to major roadways or high traffic areas.

B. Pedestrian Oriented Signs – Sign Bands (Wall Signs)

DG-207 Commercial uses with entrances that have direct access to private sidewalks shall have an associated wall sign, generally located within a sign band adjacent to the entrance or in close proximity.



Signage for multiple tenants or businesses shall be consolidated and cohesively designed.

- DG-208** For buildings with multiple tenants/occupants, wall signs should share similar architectural characteristics, including size, shape, color, and materials to provide continuity. Some variation in signage is permitted to allow for individualization of logos and branding.
- DG-209** Awning or canopy signs, in lieu of building-mounted signage, may be considered.
- DG-210** Directional wall signs may be placed within parking structures associated with a particular use.



Examples of wall signs for individual businesses.



Example of street blade signs.

C. Pedestrian Oriented Signs – Blade Signs

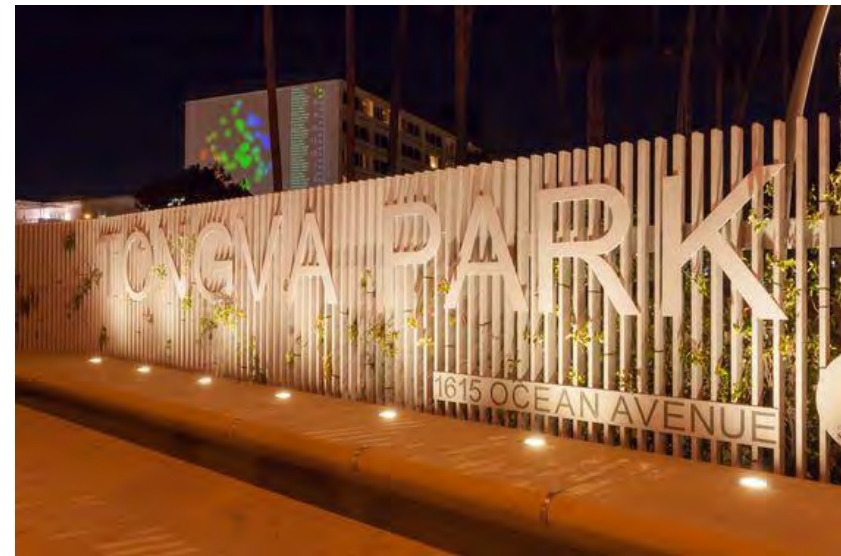
DG-211 Vertical blade signs are typically designed to project from the wall into the public realm and should be mounted high enough to not interfere with pedestrian circulation.

Refer to the Moreno Valley Municipal Code for blade sign clear space requirements.

DG-212 Blade signs should be limited to one per business.

D. Pedestrian Oriented Signs – Portable Signs (Public)

DG-213 Portable signs, such as sandwich boards or freestanding signs are allowed but shall be placed so as not to impede pedestrian circulation on internal walkways.



Monument signage should easily convey the associated tenants as well as other relevant information, such as the building address.

E. Pedestrian Oriented Signs – Monument Signs

DG-214 Monument signs shall have a low-profile and are mounted to the ground; meant to be viewed from eye level by pedestrians or from a vehicle.

DESIGN GUIDELINES | 4

- DG-215** Monument signs may be placed at entrances to the site or in public spaces adjacent to building entryways to indicate nearby businesses or residential complexes.
- DG-216** Monument signs shall be landscaped at the base where possible to soften the appearance of hard lines.
- DG-217** Monument signs may be integrated into seat or planter walls.

F. Pedestrian Oriented Signs – Programmable Electric Signs

- DG-218** Programmable electronic signs shall utilize automatic dimming technology to allow the brightness of the light to adjust to ambient lighting. Where the signs depict movement or color change, they should not be placed so they are visible directly from residential uses.
- DG-219** Advertisement or informational signage displayed on programmable electronic signs shall have a maximum time limit.



Wayfinding signage is important to help facilitate pedestrian and vehicular circulation.

G. Pedestrian Oriented Signs – Wayfinding

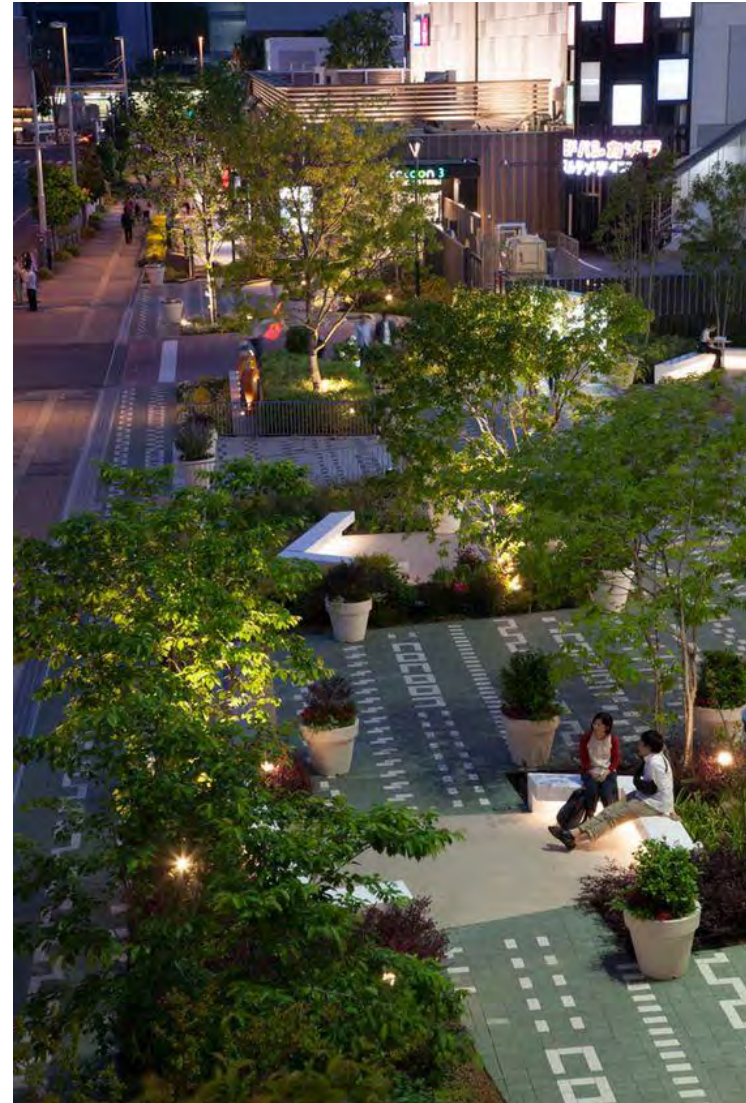
- DG-220** Wayfinding signage shall not be placed within the direct pedestrian zone or obstruct pedestrian traffic flow in any way.
- DG-221** Wayfinding signage shall be clear and easy to understand for pedestrians and motorists.
- DG-222** Wayfinding signage associated with an individual use (commercial, residential, office) shall be consistent in look and size with other signs of the same use to provide easier

identification of building uses to pedestrians and motorists.

- DG-223** Creative approaches to wayfinding that utilize existing vertical elements, such as streetlight banners, are encouraged.
- DG-224** All signage and associated components shall complement the color and finish of the surrounding streetscape and architectural elements.
- DG-225** Wayfinding elements shall be designed to be utilized by a variety of users, including visually, and hearing impaired.

4.7 Landscape Guidelines

Landscape within PA 2A is intended to be far more than an aesthetic complement to the surrounding architecture. Landscape is used to define and mold public spaces, soften building materials, buffer pedestrians from vehicles, provide shade, create visual interest, and a number of other purposes. The landscape contributes to the character through the use of California native plant material.



Example of enhanced landscaping and lighting at primary entrances.

DESIGN GUIDELINES | 4

4.7.1 General Landscape Guidelines

- DG-226** Different landscape designs and plant materials should be used in the various courtyards and common open space areas of the development to create an individual identity for each space.
- DG-227** Areas not utilized by structures, storage, paved walks, driveways, or parking should be landscaped.
- DG-228** Landscaping should be spaced so it does not adversely impact on-site lighting, restrict access to emergency facilities, or interfere with installation and maintenance of overhead or underground utilities.



Open space amenities such as seating, planters, trash enclosures and lighting are important placemaking components.

- DG-229** Landscape at the base of buildings should soften the transition between building and adjacent ground plane. Consideration should be given to the scale and bulk of a building and its relationship to the scale of adjacent development.

A. Landscape Publicly Accessible Spaces

- DG-230** A series of connected open space areas of varying shape, appearance, and usage are encouraged. Smaller areas may directly relate to a cluster of units, while the larger areas may serve several clusters as common open space.
- DG-231** The creation of pedestrian activity areas at mid-block locations are strongly encouraged.
- DG-232** Landscaped areas in common open spaces shall be used to clearly define walkways, gathering spaces, and other nodes within the Specific Plan area.
- DG-233** Plant materials within common areas shall be distinctive to create a sense of place but should match the architectural style of any adjacent buildings in close proximity.
- DG-234** Avoid using poisonous planting materials to common open spaces as it is harmful to humans and animals. As well as those that attracts large number of bugs or insects.
- DG-235** Plant material used in common spaces should not have sharp leaves, bark, or fruit that may accidentally injure users.
- DG-236** Plant material shall be confined to landscaped areas and maintained regularly so as to not impede pedestrian walkways.

- DG-237** Accent lighting on feature trees or landscape components is encouraged.
- DG-238** Temporary lighting and decoration of landscape materials is allowed.
- DG-239** Landscaping within Gateway areas shall not visually block signage or any important entry features. Trees with dense canopies should be avoided.
- DG-240** Landscape shall be eye-catching and utilized multiple colors, layers, and heights to add visual interest to the area.
- DG-241** Trees and other plant materials shall complement the architecture of the adjacent entryway in size, shape, color, and design.



Example of an activated mall entryway.



Examples of private open space amenities, including fire pits and lounge seating.

B. Landscape – Private Amenity Spaces

- DG-242** Landscaping in private open space areas shall complement the architectural style of the adjacent buildings.
- DG-243** Consideration should be given to the final size of trees within private open space areas to ensure that they match the scale of the surrounding area.
- DG-244** Trees with excessive fruit or leaf litter shall be avoided adjacent to pedestrian spaces, walkways, and water features.
- DG-245** Trees and shrubs shall be placed to provide privacy for units facing onto private open space areas.

DESIGN GUIDELINES | 4

DG-246 Hotels shall provide usable common open space, which may include pools, sport courts, lounging areas, play structures, and other uses.

DG-247 Separate Play areas and equipment for children of all ages shall be provided in large expenses for safety reasons. This should be shown on landscape and hardscape plans which will require design review.

C. Streetscape Landscaping

DG-248 Landscape along interior streetscape areas shall be placed between pedestrian walkways and vehicular roads when feasible.

DG-249 In commercial settings, landscape shall not be planted directly adjacent to building edges or deter consumers from entering interacting with first floor retail that faces the public walkway.

DG-250 Newly landscaped areas shall complement the existing plant palette found in nearby medians, planters, or streetscape areas.

DG-251 Trees placed adjacent to commercial store frontages shall not block identification signage or window displays.

DG-252 Landscape material shall complement the character of the surrounding environs, including medians and the opposite side of the street, in size, form, quantity, and color.

4.7.2 Water Conservation Guidelines

The MVM SPA employs an aggressive approach to water conservation. Every element of the landscape program has been evaluated to determine how to achieve the project's landscape goals while maintaining maximum water efficiency. From the formulation

of the overall landscape concept, through each level of the design process, to the day-to-day maintenance practices of the installed materials, conservation of limited water resources is a primary focus. At maturity, the landscaping for PA 2A will sustain a strong, clean, simple design element, demonstrating commitment to the creation of a sustainable environment.

The landscape program will incorporate the following design elements and practices to minimize the use of limited water resources:

A. Project Design for Water Conservation

DG-253 Design project so that pads, streets, and other paved areas drain to landscape areas, medians, and parkways.

DG-254 Maximize water harvesting, detention, and treatment techniques throughout the project.

DG-255 Direct rooftop and parking area runoff to bio-swales, basins, or landscaped areas.

B. Landscape Design for Water Conservation

DG-256 Develop watershed areas for the project areas in order to manage water harvesting and distribution.

DG-257 Calculate estimated runoff from roofs and paved areas to manage water harvesting and detention practices.

DG-258 Conduct site-specific analyses of seasonal weather patterns, rain patterns, soils and drainage, grades and slopes, macro and microclimates, solar exposure, prevailing wind conditions, historical evapotranspiration rates and weather station (CIMIS) data.

- DG-259** Design to meet peak moisture demand of all plant materials within design zones and avoid flow rates that exceed infiltration rate of soil.
- DG-260** Maximize the use of drought tolerant plant species.
- DG-261** Select plant palettes tolerant of periodic inundation from storm water runoff.
- DG-262** Calculate optimum spacing of plants to avoid overcrowding and need for excessive irrigation.
- DG-263** Incorporate biofiltration planters and swales where feasible to improve conveyance and filtration of runoff.
- DG-264** Basin configurations should be organic and natural in form and no deeper than 24". Plants will be selected for biofiltration qualities and should be aesthetically pleasing

C. Construction for Water Conservation

- DG-265** Grade all planting areas to control high intensity rainfall and runoff episodes. Provide riprap at downspouts; create multiple watersheds to disperse water flow. Use surface mulch and straw wattles.
- DG-266** Provide soil amendment to plant pits based on soil laboratory test results and landscape species.
- DG-267** Employ a pre-hydration program prior to planting installation to reflect climate and soil conditions.
- DG-268** Cover all planting areas with a combination of organic and inorganic mulches to be used along with pre-emergent herbicide treatment to control weed growth and soil erosion.
- DG-269** Install soil moisture sensors in strategic planting zones.

- DG-270** Require certification that the irrigation system was installed and operates as designed and conduct a post-installation audit of actual water consumption.
- DG-271** Provide for supplemental irrigation on an as-needed basis, such as supply lines and valves, quick-connect couplers, or water truck service.

D. Maintenance for Water Conservation

- DG-272** Establish maintenance guidelines to specify actions to replace dead plants, replenish surface mulch, and remove trash and weeds.
- DG-273** Regularly monitor all landscaped areas and adjust as necessary to assure the health of planted materials and progress toward meeting the project's landscape goals

4.7.3 Irrigation

- DG-274** Planting zones will be coordinated according to plant type, climatic exposure, soil condition and slope to facilitate use of zoned irrigation systems using reclaimed water systems if available and practical.
- DG-275** Use best available irrigation technology to maximize efficient use of water, including moisture sensors, multi-program electronic timers, rain shutoff devices, remote control valves, drip systems, backflow preventers, pressure reducing valves and precipitation-rated sprinkler heads. The irrigation system shall be designed to utilize low volume, high efficiency bubblers, MP rotators and low volume spray heads to reduce overall water consumption and increase efficiency.

DESIGN GUIDELINES | 4

- DG-276** Low volume spray heads will be adjusted to eliminate overspray on to buildings and hardscape or other non-planted areas while providing adequate and even coverage to all planting areas.
- DG-277** Gate valves will isolate and shut down mainline breaks,
- DG-278** Planting areas with differing conditions (sun exposure, topography and varying water requirements/hydrozones) will be valved accordingly to provide watering time flexibility and allow appropriate water delivery.
- DG-279** Design irrigation systems to prevent discharge onto non-landscaped areas or adjacent properties,
- DG-280** Restrict irrigation cycles to operate at night when wind, evaporation and activity are at a minimum.
- DG-281** All landscape areas shall be permanently maintained and irrigated.
- DG-282** Trees shall be irrigated with flush-to-grade root watering systems on dedicated valves.
- DG-283** Above grade backflow preventers shall be located in planting areas and protected with locking enclosures.
- DG-284** ET based 'Smart' controllers will be utilized to maximize water savings and comply with state and local water efficient landscape requirements.
- DG-285** Plant selections shall be predominantly native and drought tolerant which have a low water use designation according to the WUCOLS rating for the particular site.

4.7.4 Coverage

At installation, plant size, density and spacing shall be as specified in approved landscape plans per Title 9 of the City Municipal Code.

All landscape plans shall be reviewed by Eastern Municipal Water District and the City of Moreno Valley.

4.7.5 Planting

See Appendix for full-size plant list.

- DG-286** Large shade trees shall be used in all open space areas to provide shade to users.
- DG-287** Landscaping shall be in scale within adjacent buildings and be of appropriate size and maturity.
- DG-288** Landscape design concepts shall include:
- a) Use of specimen trees (36-inch box or larger) in groupings and rows at major focal points, such as project entries and pedestrian gathering areas
 - b) Use of flowering vines on walls and arbors where appropriate
 - c) Use of planting to create shadow and patterns against walls
- DG-289** Landscape plantings shall be used to help define property lines and distinguish private space from public space by creating a strong edge through a distinct change of plant material, form, height, and/or color.
- DG-290** Planters and pots placed in building recesses and adjacent to blank walls are encouraged. Planter and pot materials shall complement the building architecture.

- DG-291** Drought tolerant plants and irrigation systems shall be utilized whenever possible.
- DG-292** Trees and shrubs shall not be planted so close together that they create maintenance and security problems at maturity. They should not completely obstruct views into the development from the right-of-way, especially views to dwelling entries and common open space areas.
- DG-293** Trees and shrubs shall be selected based on their mature size and root characteristics. Plants with root systems that uplift hardscape materials should be avoided.

4.8 Lighting

Lighting within PA 2A will enhance safety for pedestrians and motorists and create an inviting atmosphere to promote night use of the site. Specific attention should be paid to providing adequate lighting at high pedestrian traffic areas or to illuminate entryway elements.

Pedestrian and vehicular lighting will be provided at different scales but focus on illuminating the ground plane along paths of travel. Additional accent lighting is encouraged to highlight hardscape and softscape materials as focal points of an area. Spillover lighting from ground floor retail and office uses will also increase visibility at night within the planning area.

4.8.1 General Lighting Guidelines

- DG-294** Lighting of private roadways and bikeways shall comply with relevant standards published by the Illuminating Engineering Society (I.E.S.).
- DG-295** Vehicle entrances, driveways, parking and service areas, pedestrian entrances, walkways, and activity areas shall

have a sufficient level of lighting to provide security and safety.

- DG-296** Ensure that all lighting is “dark skies” compliant and does not negatively impact the surrounding environment and adjacent uses. The type and location shall minimize direct glare onto adjoining properties.



- DG-297** Wall mounted lighting shall not extend above the height of the wall or parapet to which they are mounted.
- DG-298** Lighting fixtures shall use energy efficient technologies such as LED bulbs to reduce energy consumption where feasible.
- DG-299** Accent lighting is encouraged to highlight architectural details on buildings, primary entrances into public and private spaces, and pedestrian and vehicular signage.

DESIGN GUIDELINES | 4

Seasonal lighting shall be considered and accommodated for in large plazas or open space areas.

DG-300 Site lighting shall be incorporated into hardscape materials such as steps, railings, and paving.

DG-301 Light fixtures shall match the character of surrounding buildings and public realm elements within the immediate vicinity to reinforce the design theme.

DG-302 Lighting shall not be continuously flashing or animated in a pattern that is distracting to users of the site.

DG-303 Lighting fixtures with exposed bulbs shall not be used with the exception of decorative “Edison bulb” fixtures on dimmer, decorative “string” lighting (Tivoli lighting) when used to illuminate outdoor patios, walkways and plazas, decorative holiday trees, and landscape lighting.

DG-304 Security lighting shall be designed as part of a comprehensive lighting plan.

DG-305 Overhead service wires or exposed conduit shall be avoided.

A. Lighting Along Pedestrian Corridors and in Pedestrian Activity Nodes

DG-306 Pedestrian-scaled lighting for sidewalk and street illumination is encouraged.

DG-307 Lighting shall be provided in a relatively even pattern so as to not create dark areas along pedestrian activity corridors.

DG-308 Ensure that all lighting fixtures do not shine directly into pedestrian line of site through the use of cover plates and downlighting.

B. Parking Lot/Structure Lighting

DG-309 Light standards within parking lots shall be designed with raised bases to protect them from damage by vehicles.

DG-310 Lighting in parking areas shall be arranged to prevent direct glare into adjacent dwelling units and onto neighboring uses/properties.

4.9 Sustainable Design

Building in an ecological and resource-efficient manner has many advantages for the environment as well as for building users. Sustainable design reduces pollution and conserves natural resources.

The architects and engineers that make contributions to the MVM SPA must understand this and strive to lessen the impact their designs have on the environment. The following sustainability goals have been set for buildings within PA 2A:

DG-311 Design buildings to accommodate renewable energy systems where feasible.

DG-312 Create building forms and landscape that protect residents, users, visitors, patrons, and employees from unpleasant climate conditions.

DG-313 Use water resources responsibly with a constant effort, to minimize the use of potable water.

DG-314 Incorporate life cycle planning and decision making.

The design of each building at the PA 2A will pursue these goals, by incorporating design features such as, but not limited to, the following:

A. Water conservation

- DG-315** Low flow faucets and fixtures.
- DG-316** Rainwater collection (where practical).
- DG-317** Native landscape.
- DG-318** Direct and capture low-use irrigation and rainfall runoff to landscape areas.
- DG-319** Energy conservation:
- DG-320** Building orientation.
- DG-321** Glazing, overhangs, and landscaping to capture and control natural daylight.
- DG-322** High performance glazing.
- DG-323** Use of atriums, skylights, and internal courtyards to provide additional daylighting.

B. Natural resource conservation

- DG-324** Use of renewable materials where feasible
- DG-325** The use of building materials with recycled content where feasible

5 ADMINISTRATION AND IMPLEMENTATION



The purpose of this section is to provide an outline of the steps necessary to implement the MVM SPA for the benefit of the development team, the City and other approving agencies, and interested citizens.

5.1 Administration

The California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 et seq.) grants authority to cities to use Specific Plans for purposes of implementing the goals and policies of the City's General Plan.

This MVM SPA establishes a set of regulations, standards, guidelines, and processes for the proposed development, and shall constitute the zoning for development within PA 2A. The City will review all development within PA 2A to ensure compliance with the provisions of the MVM SPA.

5.1.1 Responsibility and Enforcement

The City of Moreno Valley Director of Community Development, or his or her designee shall be responsible for administering the MVM SPA in accordance with the provisions of this document, all governing and applicable State and federal laws, the City of Moreno Valley General Plan, and the City of Moreno Valley Municipal Code.

The MVM SPA serves as the implementation tool for the zoning for PA 2A area. The MVM SPA addresses permitted uses, development standards, and community design guidelines. The City shall enforce the provisions of the MVM SPA in the same manner that the City enforces the provisions of the General Plan, Municipal Code and Zoning Code.

5.1.2 Applicability

All development within PA 2A shall comply with the requirements and standards set forth in this Specific Plan document. If conflicts exist between the standards contained in this Specific Plan, Zoning

Ordinance or Municipal Code, the regulations, and standards in the MVM SPA shall take precedence.

Any area of site development, administration, review procedures, landscaping requirements, and regulations not expressly addressed by this specific plan document shall be subject to the provisions of the MVMC, using the context and objectives of the MVM SPA as a guide.

5.1.3 Severability

If any portion of this Specific Plan and its regulations are declared to be invalid or ineffective in whole or in part by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

5.1.4 Other Uses & Interpretation

All uses established within the Specific Plan shall be consistent with the General Plan and the MVM SPA. The Community Development Director, or his or her designee, shall be responsible for consistency determinations pursuant to Section 9.01, *Administration*, of the MVMC.

Whenever the provisions contained in the MVM SPA conflict with the MVMC, the provisions of the Specific Plan shall take precedence. Any ambiguity concerning the content or application of the Specific Plan shall be resolved by the Community Development Director, or their designees. Such interpretations shall consider the stated goals and intent of the Specific Plan.

5.1.5 Initial Entitlements

Initial entitlements required for development of the MVM SPA include the following actions to be taken by the City:

A. Specific Plan (Amendment)

The Specific Plan is a regulatory document that establishes the zoning, land use designations, development standards, and design

guidelines for the entire Specific Plan area. The Specific Plan will implement the City's General Plan. The Specific Plan will be considered by the Planning Commission and City Council and will be adopted by Ordinance. Subsequent tract/parcel maps or site development plans must be in substantial compliance with the adopted Specific Plan. Alternatives to development standards and regulations contained in the Specific Plan may be requested by the property owner and may be approved by the City through the variance processes described in Section 5.1.7 herein.

B. Plot Plan

The applicant may elect to seek separate approvals for Horizontal Plot Plans or Vertical Plot Plans or may seek approval of a combined Plot Plans that include both horizontal and vertical elements.

There should be a 90 day time period for plot plan approval for Horizontal Plot Plans and extended period as necessary for Vertical Plot Plans, provided that the extended period does not exceed 30 days. The Horizontal and Vertical Plot Plans are subject to the approval of the Development Director, or designee as an administrative approval and does not require public noticing.

The Plan development director may approve both Horizontal and Vertical Plot Plans. The decision of the Plot Plan by the Development Director may be appealed to the Planning Commission.

Horizontal Plot Plan – This is for backbone infrastructure and includes:

- Pad Grading

- Internal Roadways
- Water, Sewer, Storm in streets
- Utility stubs to pad

Vertical Plot Plan –vertical development on development pad(s) and includes:

- Site Plan for the graded pads,
- Architectural Plans including site , floor and elevations

Required Findings. A plot plan may be approved in whole or in part, if all of the following findings can be made:

- (1) The proposed project is consistent with the goals, objectives, and policies of the General Plan,
- (2) The proposed project complies with this Specific Plan and other applicable regulations, and
- (3) The proposed project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity; and
- (4) The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

Conditions of Approval. In approving a Horizontal or Vertical Plot Plan, the approving authority may impose conditions of approval for the project that may be deemed necessary to protect the public health, safety and welfare and ensure that the project will be developed in accordance with the purpose and intent of this title.

Notice. Notice of plot plan public hearing and the proposed environmental determination shall be provided, as specified in Section 9.02.200 of MVMC. For plot plan applications not subject to review at a public hearing, but requiring notice, the notice shall be

provided for the decision date in the same manner and time frames, as described in Section 9.02.200 of this title. {Ord. 959 § 3.6, 2019}

C. Plot Plan Modification

Modification or revision of plot plans may be requested by the applicant. A modification or revision to an approved plot plan may include, but shall not be limited to, change in conditions, expansion, intensity, or hours of operation. The requested modification or revision shall be processed in the same manner as the original plot plan.

5.1.6 Minor Modifications

Development plans for each planning area of the project may be adjusted or modified based on final design and engineering and the precise development plans of the planning area builder. Substantial Conformance is a mechanism to allow the approval of minor modifications for development under the Specific Plan.

Written documentation requesting a proposed minor modification to support an implementing map, site plan, or use permit must be submitted for the review and approval of the Community Development Director or his or her designee.

A. Substantial Conformance Determination

The Community Development Director or his/her designee shall have the authority to approve minor adjustments or modifications, as defined herein, which substantially conform to the approved Specific Plan through an administrative "Substantial Conformance" review process, so long as those minor modification and adjustments are consistent with the intent of the Specific Plan.

Minor modifications may be warranted to accommodate changes resulting from final design and engineering that cause adjustments in internal driveway alignments, location of utilities or other infrastructure, development of innovative product design,

distribution of permitted uses within the Specific Plan, development of builder-level design guidelines, density transfers or other similar modifications deemed to be minor. Minor modifications or technical adjustments may include, but are not limited to the following:

- Inclusion of land uses not specified in Section 3, *Development Regulations*, but similar in intent and character subject to interpretation by the Community Development Director as specified in Section 5.1.4 above;
- Modifications necessary to comply with final Conditions of Approval or mitigation measures when adopted under subsequent actions;
- Modifications to performance standards included in the Specific Plan provided any such modifications provide substantially equivalent protection as the original standard;
- Addition of information to the Specific Plan (including maps or text) for purposes of clarification that does not change the intent of any plan or regulation, as well as correction of any clerical or grammatical errors;
- Adjustments to the alignment, location and sizing of utilities and facilities or a change in utility and/or public service provider may be approved by the City's Engineering or Public Works Department, so long as the adjustments or changes are found to be in compliance with applicable plans and standards of the agency responsible for such utilities and facilities and do not result in significant environmental impacts;
- Change in roadway alignment, width, or improvements through the final engineering improvement plan process so long as minimum rights-of-way meet the standards outlined in the Specific Plan;
- Minor adjustments of any planning area boundary to implement a development plan (including lot line adjustments);

- Minor adjustments to any of the development standards or regulations such as modification of wall heights for noise attenuation purposes, modification of allowable encroachments into setbacks, etc. that are specifically allowed under the Development Regulations of this Specific Plan;
- Minor changes to the architectural or landscape design guidelines, which guidelines are intended to be conceptual in nature and flexible in implementation; and
- Modification of any design element in this Specific Plan that improves circulation, reduces grading, improves drainage, improves infrastructure, or provides similar utility and reduces operations and maintenance costs or improves the level of sustainability.

Any modification that is deemed by the Community Development Director to be in substantial conformance with the purpose and intent of the Specific Plan shall be permitted.

The documentation of substantial conformance may include text and/or maps which describe the nature of all proposed modifications or adjustments to the Specific Plan. The application of substantial conformance with the adopted Specific Plan shall undergo any necessary technical review by City agencies as the Community Development Director or designee deems necessary.

Adjustments to the phasing of development shall not require a minor modification to the Specific Plan.

B. Action

The Community Development Director or his or her designee shall review and approve a finding of Substantial Conformance. The Community Development Director's findings shall be provided by written notice to the Applicant approving, conditionally approving, or denying the determination of Substantial Conformance. The Community Development Director's decision shall be final, subject to MORENO VALLEY MALL SPECIFIC PLAN AMENDMENT - PA 2A | 5-4

the appeal procedures established by the Moreno Valley Municipal Code.

C. Findings

The following findings shall be required for a Substantial Conformance Determination:

- The modifications are consistent with the goals and intent of the Specific Plan;
- The physical characteristics of the site have been adequately assessed, and proposed building sites are of adequate size and shape to accommodate proposed uses and all other features of development;
- There is supporting infrastructure, existing or available, consistent with the requirements of the Specific Plan, to accommodate the development without significantly lowering service levels; and

5.1.7 Variances

Alternatives to development standards and regulations contained herein may be approved through the following variance procedures. Variance applications may be processed along with Plot Plan applications, or as separate applications.

A. Administrative Variances

- i) The purpose of an Administrative Variance is to provide an administrative procedure for adjustments to certain regulations in this Specific Plan in order to prevent hardships that might result from a strict or literal interpretation and enforcement of those regulations.
- ii) The standards and procedures for the submittal, review and approval of an Administrative Variance shall be as contained in Section 9.02.090 of the Municipal Code.

B. Other Variances

All other variance applications shall be processed in accordance with Section 9.02.100 of the Municipal Code.

C. Appeals

- i) Any interested party may appeal any Administrative Variance decision to the Planning Commission subject to the provisions of Section 9.02.240 of the Municipal Code.
- ii) The decision of the City Council is final.

5.1.8 Specific Plan Amendments

Substantial modifications to the Specific Plan would require an Amendment. A minor modification or adjustment to the Specific Plan as determined in accordance with Section 5.1.6 would not require a Specific Plan Amendment.

Any proposal to amend this Specific Plan shall be processed in the same manner as the original approval subject to the provisions of Chapter 9.13 of the Municipal Code.

5.1.9 Appeals

An appeal of any determination, decision, or requirement of City staff or Planning Commission shall be made in conformance to the appeal procedures established by the MVMC.

- a) Any interested party may appeal any Administrative Variance decision to the Planning Commission subject to the provisions of Section 9.02.240 of the Municipal Code.
- b) Any interested party may appeal any decision of the Planning Commission to the City Council subject to the provisions of Section 9.02.240 of the Municipal Code.
- c) The decision of the City Council is final.

5.2 Implementation

5.2.1 Adoption

The MVM SPA has been prepared, submitted, and approved in a manner consistent with California Government Code Section 65451(a), as well as Division 25 of the City's Zoning Code. The Specific Plan shall be adopted by ordinance and shall serve as the zoning for the PA 2A.

5.2.2 Subsequent Approvals

This Specific Plan outlines the land use and design intent for the transformation of PA 2A into a mixed-use center. Upon its approval, the Specific Plan will comprise the zoning for all property within its boundaries and will govern the build-out over a multi-year period.

A. Development Project Review

Individual development projects within PA 2A (not including internal modifications within the existing mall) shall be subject to the City's Plot Plan Design Review process prior to issuance of building permits. The purpose of Design Review is to review individual projects for consistency with the requirements and standards set forth in the Specific Plan, Plot Plan and other applicable regulations. Accordingly, the Design Review is an administrative (ministerial) process, unless combined with an application for a discretionary approval that requires a public hearing by the Planning Commission or City Council.

B. Tenant Improvements to MVM Building

Projects which constitute tenant improvements within the mall structure will follow the normal building permit process subject to review of the Specific Plan for confirmation that a use is permitted.

C. Signage Program

As part of the implementation of the MVM SPA, a master sign program will be required for PA 2A. The sign program shall be developed in conformance with the MVM SPA standards and

guidelines relevant to signage and wayfinding. The signage program will be submitted to the City prior to building permits of the first development project within the PA 2A area. Future amendments to the signage program will be administrative, overseen by the Community Development Director or his or her designee.

D. Additional Approvals

It is anticipated that the following subsequent approvals, among others, may be processed as part of implementation of this Specific Plan:

- Demolition, Rough Grading/Grading, and Excavation Permits
- On- and Off-Site Utilities Permits
- Plot Plans
- Final Parcel, Condominium or Subdivision Maps
- Conditional Use Permit(s)
- Building Permits
- Encroachment Permit(s)
- New and Modified Easements, and Other Related Agreements

5.2.3 Transfers between Parcels

The MVM SPA and Table 2-1, *Land Use Summary*, set forth the land use designations, and total target units and square footage for each land use category. As used throughout this document, the term “Transfer” means that land uses within PA 2A can be transferred to another parcel within PA 2A.

A transfer request will be reviewed by the Community Development Director, or designee, as part of the related development application.

In addition to transfers of land use between planning areas, land uses may be converted to another use using a conversion factor based on daily trips. The land use conversion mechanism is outlined below.

5.2.4 Land Use Conversion

The amount and type of land uses within the MVM SPA is programmatic and is intended to be flexible within PA 2A, responding to market demand and opportunities for unique or in-demand land uses. Land use conversions are only applicable to Parcels 2, 3 and 9 given market demand uncertainty. The mix of uses outlined in the Land Use section of this document is based upon anticipated demand for these uses at the time of writing.

Maximum intensities of land uses may be converted at any time by the project developer, based on the conversion factors outlined in Table 5-2, *Land Use Equivalency Conversion*. These conversion factors are based on trip generation rates as provided in the Institute of Transportation Engineers Trip Generation Manual, 11th Edition, which allows a conversion program while keeping within the traffic assumptions assumed for the Planning 2A. Implementation of a land use conversion will be reviewed by the Director of Community Development, or designee, as part of the related application and allowed as part of a ministerial development approval subject to substantial conformance with relevant development standards. Conversions are also subject to overall density limits, parking ratios and other requirements.

Table 5-2 Land Use Equivalency Conversion					
	Land Use (Unit)	Equivalency Ratios to Convert to these Land Use Types			
		Residential (DU)	Retail ¹ (1,000 SF)	Office (1,000 SF)	Hotel (Rooms)
From These Land Use Types	Residential (DU) ² Parcels 2 & 3	---	0.1447	0.2708	---
	Office (1,000 SF) ³ Parcel 9	3.6923	0.4235	---	2.4407

Notes:

1. The maximum new retail is limited to a maximum of 50,000 SF.
2. The conversion of residential uses to retail and/or office uses is limited to Parcels 2 and 3 only. Retail space can only occur on the ground floor.
3. Office uses proposed in Parcel 9 may be converted to either one of two scenarios: 1) assumes total conversion of office uses to hotel uses; and 2) assumes a three-story structure with retail uses on the ground floor and two floors of residential uses above.

5.2.5 Maintenance and Ownership

Maintenance of private and quasi-public open space facilities, private driveways, commercial circulation, common landscape areas, and residential common areas will be the responsibility of the respective residential and commercial associations that are formed within PA 2A. The maintenance association(s) shall be responsible for private driveways, parking, open space areas, signage, landscaping, irrigation, common areas, on-site sewers, storm drains, BMPs, and other responsibilities as necessary. Maintenance of public streets will continue to be the responsibility of the City Moreno Valley. Table 5-3, *Financing, Ownership, and Maintenance* outlines the anticipated program.

Table 5-3 Financing, Ownership, and Maintenance			
Improvement	Financing	Ownership	Maintenance
Water System	Developer	EMWD/BSMWC	EMWD/BSMWC
Sewer System	Developer	Private/EMWD/E CSD	Private/ EMWD/ECSD
Drainage System Backbone BMPs	Developer Developer	Private/City Private	Private/City Private
Public Street Signals	Developer Developer	City City	City City
Private Internal Streets & Driveways	Developer	Private	Private
Landscaping Public Right-of-Way Common Private Parkways	Developer Developer Developer	City Private Private	City Private Private
Private Open Space or Recreation Areas	Developer	Private	Private

5.2.6 Conceptual Phasing Plan

Construction of the project will take place over multiple years based on market demand. The anticipated phasing of the buildout of the Specific Plan, however, multiple phases may occur concurrently, overlapping schedules, and/or in a different order than currently anticipated. Phased development will maintain the necessary parking and access to support the development.

Development within PA 2A shall be supported by the necessary infrastructure as needed, subject to federal, state, and local codes.

Each plot plan will include proposals for specific infrastructure improvements needed to support each proposed building. These improvements shall be consistent with the overall infrastructure plans serving the MVM SPA (PA 2A).

The project will be phased to:

- Provide for the orderly build-out of the community based upon market demand;
- Provide adequate infrastructure to service the project;
- Phases may occur concurrently or in alternative order so long as the associated infrastructure is provided.

The project is anticipated to be built in three major phases. Changes to phasing shall not require an amendment to the Specific Plan; however, an updated phasing exhibit shall be submitted by the developer to the City for documentation.

Ultimate project design will vary as individual projects are proposed, reviewed, and constructed over a period of years.

5.2.7 General Plan Consistency

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits adoption and administration of specific plans as an implementation tool for the local general plan. Specific plans must demonstrate consistency in regulations, guidelines, and programs with the goals and policies set forth in the general plan. The Specific Plan has been prepared in conformance with the goals and policies of the City's General Plan, in providing a mixed-use development within a designated Center Mixed Use, adding to the variety of residential uses, encouraging the development of commercial recreational uses, creating new employment opportunities, and providing regulations that supports the continued regional and neighborhood success of a major commercial area of the City.

APPENDIX A – PLANT PALETTE



Attachment: Specific Plan 200 TownGate Specific Plan (SP 200) Amendment (6242 : Moreno Valley Mall

PLANT PALETTE

(WUCOLS REGION 4)

Botanical Name

Common Name

TREES - DECIDUOUS

Arbutus unedo 'Marina'	Strawberry Tree
Cupressus sempervirens	Italian Cypress
Geijera parviflora	Australian Willow
Laurus 'Saratoga'	Saratoga Laurel
Olea europaea 'Wilsonii'	Fruitless Olive
Quercus agrifolia	Coast Live Oak
Quercus ilex	Holly Oak
Ulmus pariflora 'Drake' (Semi-evergreen)	Drake Chinese Elm

TREES - DECIDUOUS

Cercidium 'Desert Museum'	Palo Verde
Cercis spp.	Redbud
Chilopsis l. 'Bubba'	Desert Willow
Koelreuteria paniculata	Golden Rain Tree
Lagerstroemia X hybrid 'Tuscarora'	Hybrid Crape Myrtle
Platanus acerifolia 'Columbia'	London Plane Tree
Platanus racemosa	California Sycamore

PALMS

Phoenix dactylifera	Date Palm
Washingtonia robusta	Mexican Fan Palm

SHRUBS

Anigozanthos 'Bush Endeavour'	Kangaroo paw
Bougainvillea 'Raspberry Ice'	Bougainvillea
Bougainvillea 'San Diego Red'	Red Bougainvillea
Bulbine frutescens	Stalked Bulbine
Caesalpinia pulcherrima	Mexican Bird of Paradise
Callistemon 'Little John'	Little John Bottlebrush
Cordyline australis 'Red Sensation'	Red Sensation Cordyline
Cupressus sempervirens 'Tiny Tower'	Tiny Tower Italian Cypress
Dasyllirion quadrangulatum	Toothless Desert Spoon
Dianella revoluta 'Little Rev'	Little Rev Flax Lily

Botanical Name

Common Name

SHRUBS (cont.)

Dracena marginata	Dragon tree
Furcraea foetida 'Variegata'	Variegated False Agave
Kniphofia uvaria	Red Hot Poker
Leucadendron spp.	ConeBush
Leucophyllum f. 'Compacta'	Texas Ranger
Rhaphiolepis 'Clara'	Clara Indian Hawthorne
Westringia fruticosa	Coast Rosemary

SCREEN SHRUBS - VINES

Dodonaea v. 'Purpurea'	Hopseed Bush
Prunus ilicifolia lyonii	Catalina Cherry
Rhamnus californica 'Eve Case'	Dwarf Coffeberry
Westringia 'Blue Gem'	Blue Gem Coast Rosemary
Bougainvillea spp	N.C.N.
Macfadyena unguis-cati	Cat's Claw

SCREEN SHRUBS - VINES

Agave desmettiana 'Variegata'	Variegated Agave
Agave 'Blue Glow'	Blue Glow Agave
Aloe barberae	Tree Aloe
Bouteloua gracilis 'Blonde Ambition'	Blonde Ambition Grama Grass
Carex tumulicola	Berkeley Sedge
Echeveria 'Afterglow'	Echeveria
Echinocactus grusonii	Barrel Cactus
Lantana camara cvs.	Lantana
Lomandra longifolia Breeze	Breeze Dwarf Mat Rush
Muhlenbergia rigens	Deer Grass
Muhlenbergia capillaris	Pink Muhly
Pachycereus marginatus	Mexican Fence Post
Pennisetum setaceum	Purple Fountain Grass
Sedum nussbaumerianum	Coppertone Stonecrop
Senecio mandalisciae	Blue Pickle

TREES AND PALMS



Arbutus unedo 'Marina'
Strawberry Tree



Cercidium 'Desert Museum'
Palo Verde



Cercis canadensis
Eastern Redbud



Chilopsis l. 'Bubba'
Desert Willow



Cupressus sempervirens 'Tiny Tower'
Tiny Tower Italian Cypress



Geijera parviflora
Australian Willow



Geijera parviflora
Australian Willow



Lagerstroemia x hybrid 'Tuscarora'
Hybrid Crape Myrtle



Laurus 'Saratoga'
Saratoga Laurel



Olea europaea 'Wilsonii'
Fruitless Olive



Quercus agrifolia
South Coast Live Oak



Platanus racemosa
California Sycamore



Ulmus parviflora 'Drake'
Drake Elm



Washingtonia robusta
Mexican Fan Palm



Phoenix dactylifera
Date Palm

SHRUBS



Anigozanthos
'Bush Endeavour'
Kangaroo paw



Bulbine frutescens
Stalked Bulbine



Callistemon 'Little John'
Little John Bottlebrush



Caesalpinia pulcherrima
Mexican Bird of Paradise



Cordyline australis
'Red Sensation'
Red Sensation Cordyline



Dianella revoluta
'Little Rev'
Little Rev Flax Lily



Dodonaea v. 'Purpurea'
Hopseed Bush



Dracena marginata
Dragon tree



Prunus ilicifolia lyonii
Catalina Cherry



Furcraea foetida
'Variegata'
Variegated False Agave



Kniphofia uvaria
Red Hot Poker



Rhamnus californica
'Eve Case'
Dwarf Coffeberry



Leucadendron spp.
Coneflower



Leucophyllum f. 'Compacta'
Texas Ranger



Westringia 'Blue Gem'
Blue Gem Coast Rosemary

GROUNDCOVER, GRASSES, AND SUCCULENTS



Bougainvillea
'Raspberry Ice'
Bougainvillea



Bougainvillea
'San Diego Red'
Red Bougainvillea



Rosmarinus o.
'Prostratus'
Rosemary



Senecio mandalisciae
Blue Pickle



Westringia fruticosa
'Mundi'
Coast Rosemary



Bouteloua gracilis
'Blonde Ambition'
Blue grama



Carex testacea
Orange New Zealand Sedge



Lomandra longifolia
'Breeze'
Breeze Dwarf Mat Rush



Muhlenbergia rigens
Deer Grass



Pennisetum setaceum
Purple Fountain Grass



Agave d.
'Variegata'
Variegated Smooth Agave



Agave
'Blue Glow'
Blue Glow Agave



Echeveria
'Afterglow'
Echeveria



Echinocactus grusonii
Barrel Cactus



Sedum nussbaumerianum
Coppertone Stonecrop

TENTATIVE PARCEL MAP No. 38420

CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL A1:
PARCELS 1 AND 2 OF PARCEL MAP 27143, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 174, PAGES 25 TO 28, INCLUSIVE, OF PARCEL MAPS, AND AMENDED BY CERTIFICATE OF CORRECTION RECORDED AUGUST 23, 1995 AS INSTRUMENT NO. 1995-276617 OFFICIAL RECORDS OF SAID COUNTY.
APN: 291-110-032, 291-110-033, 291-110-051, 291-110-052
PARCEL B1:
PARCEL NO. 3 OF PARCEL MAP 27143, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 174, PAGES 25 TO 28, INCLUSIVE, OF PARCEL MAPS, AND AMENDED BY CERTIFICATE OF CORRECTION RECORDED AUGUST 23, 1995 AS INSTRUMENT NO. 1995-276617 OFFICIAL RECORDS OF SAID COUNTY.
APN: 291-110-034
PARCEL C1:
PARCEL 4 OF PARCEL MAP 27143, AS PER MAP RECORDED IN BOOK 174, PAGES 25 THROUGH 28, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA.
APN: 291-110-035

EASEMENTS:

EASEMENTS SHOWN HEREON ON THE MAP ARE REFERENCED TO A PRELIMINARY TITLE REPORT ORDER NO. 09198690, PREPARED BY COMMONWEALTH LAND TITLE COMPANY, DATED FEBRUARY 10, 2022.

- 1. THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET, HIGHWAY, OR FREEWAY ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN RELINQUISHED BY THE DOCUMENT.
RECORDING DATE: SEPTEMBER 21, 1954
RECORDING NO: AS INSTRUMENT NO. 1954-48429 OFFICIAL RECORDS
AFFECTS: MORENO VALLEY FREEWAY (HIGHWAY 60), AS DESCRIBED THEREIN
[DOES NOT AFFECT THE PROPERTY]
- 2. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
IN FAVOR OF: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: PIPELINES, CONDUITS AND INGRESS AND EGRESS
RECORDING NO: IN BOOK 1702, PAGE 467 OFFICIAL RECORDS
AND RECORDING NO: IN BOOK 1702, PAGE 552 OFFICIAL RECORDS
AND RECORDING NO: IN BOOK 1702, PAGE 559 OFFICIAL RECORDS
AND RECORDING DATE: MARCH 23, 1959
AND RECORDING NO: AS INSTRUMENT NO. 1959-24049 OFFICIAL RECORDS
THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD.
[AFFECTS THE PROPERTY; THE EXACT LOCATION IS INDETERMINATE FROM THE RECORD DOCUMENT.]

EASEMENTS:

EASEMENTS SHOWN HEREON ON THE MAP ARE REFERENCED TO A PRELIMINARY TITLE REPORT ORDER NO. 09198690, PREPARED BY COMMONWEALTH LAND TITLE COMPANY, DATED FEBRUARY 10, 2022.

- 3. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
IN FAVOR OF: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: PIPELINES AND ACCESS
RECORDING DATE: OCTOBER 01, 1992
RECORDING NO: AS INSTRUMENT NO. 1992-370030 OFFICIAL RECORDS
AFFECTS: AS DESCRIBED THEREIN
- 4. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
IN FAVOR OF: RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
PURPOSE: STORM DRAIN
RECORDING DATE: AUGUST 17, 2001
RECORDING NO: AS INSTRUMENT NO. 2001-396447 OFFICIAL RECORDS
AFFECTS: AS DESCRIBED THEREIN
- 5. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
IN FAVOR OF: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: RIGHT OF WAY TO CONSTRUCT, USE, MAINTAIN, OPERATE, ALTER TO, REPAIR, REPLACE, RECONSTRUCT, INSPECT AND REMOVE AT ANY TIME AND FROM TIME TO TIME UNDERGROUND ELECTRICAL SUPPLY SYSTEMS AND COMMUNICATION SYSTEMS, CONSISTING OF WIRES, UNDERGROUND CONDUITS, CABLES, VAULTS, MANHOLES, HAND-HOLES, AND INCLUDING ABOVEGROUND ENCLOSURES, MARKERS AND CONCRETE PADS AND OTHER APPURTENANT FIXTURES
RECORDING DATE: JUNE 14, 2006
RECORDING NO: AS INSTRUMENT NO. 2006-0430294 OFFICIAL RECORDS
AFFECTS: AS DESCRIBED THEREIN

DEVELOPER/LAND OWNER:

MORENO VALLEY MALL HOLDING LLC
22500 TOWN CIRCLE, SUITE 1206
MORENO VALLEY, CA 92533
CONTACT: MATT LBAK
(951) 653-1177
MLBAK@GFBUSINESSGROUP.COM

APPLICANT/CIVIL ENGINEER

KIMLEY-HORN
401 B STREET SUITE 600
SAN DIEGO, CA 92101
PH: (619) 744-0115
CONTACT: TAMMIE MORENO, PE, QSD/P

LAND SURVEYOR:

PBLA SURVEYING, INC.
981 CORPORATE CENTER DR. STE. 168
POMONA, CA 91768
PH: (661) 233-6549
FAX: (714) 398-9191
CONTACT: PETER WEILBACHER, PLS

ARCHITECT

NELCO ARCHITECTURE, INC. - NELSON
6100 WILSHIRE BLVD., STE. 430
LOS ANGELES, CA 90048
PH: (310) 451-4333
CONTACT: MARK LEVINE

APN:

291-110-032, 291-110-033, 291-110-034, 291-110-035

ZONING:

EXISTING ZONING = SPECIFIC PLAN SP 200 MUC (TOWNGATE MIXED USE COMMERCIAL)
PROPOSED ZONING = SPECIFIC PLAN SP 200 MUC (MORENO VALLEY MALL PA 2A)

PROPOSED PARCEL USE:

PARCEL 1, 5, AND 20:
MALL/RETAIL USAGE
PARCELS 2 AND 3:
RESIDENTIAL USAGE
PARCELS 11, 12, 15, 17, AND 18:
MIXED USAGE
PARCEL 7:
HOTEL USAGE
PARCEL 14:
COMMONS USAGE
PARCELS 4, 6, 8, 21, AND 22:
SURFACE LOT USAGE
PARCEL 9:
OFFICE USAGE
PARCELS 10, 13, 16, AND 19:
ROADWAY USAGE

AREA

EXISTING AREA GROSS = 2,553,237 S.F./58.61 ACRES
PROPOSED AREA GROSS = 2,553,237 S.F./58.59 ACRES

- PARCEL 1 AREA GROSS/NET = 783,580 S.F./17.99 ACRES
PARCEL 2 AREA GROSS/NET = 68,066 S.F./1.56 ACRES
PARCEL 3 AREA GROSS/NET = 62,260 S.F./1.43 ACRES
PARCEL 4 AREA GROSS/NET = 127,020 S.F./2.92 ACRES
PARCEL 5 AREA GROSS/NET = 160,755 SQ. FT./3.69 ACRES
PARCEL 6 AREA GROSS/NET = 65,732 S.F./1.51 ACRES
PARCEL 7 AREA GROSS/NET = 73,596 S.F./1.69 ACRES
PARCEL 8 AREA GROSS/NET = 50,050 S.F./1.15 ACRES
PARCEL 9 AREA GROSS/NET = 65,936 S.F./1.51 ACRES
PARCEL 10 AREA GROSS/NET = 96,764 S.F./2.22 ACRES
PARCEL 11 AREA GROSS/NET = 86,975 S.F./2.00 ACRES
PARCEL 12 AREA GROSS/NET = 86,896 S.F./2.00 ACRES
PARCEL 13 AREA GROSS/NET = 37,100 S.F./0.85 ACRES
PARCEL 14 AREA GROSS/NET = 67,213 S.F./1.54 ACRES
PARCEL 15 AREA GROSS/NET = 105,704 S.F./2.43 ACRES
PARCEL 16 AREA GROSS/NET = 25,577 S.F./0.59 ACRES
PARCEL 17 AREA GROSS/NET = 108,232 S.F./2.49 ACRES
PARCEL 18 AREA GROSS/NET = 66,736 S.F./1.53 ACRES
PARCEL 19 AREA GROSS/NET = 28,385 S.F./0.65 ACRES
PARCEL 20 AREA GROSS/NET = 102,604 S.F./2.36 ACRES
PARCEL 21 AREA GROSS/NET = 113,630 S.F./2.61 ACRES
PARCEL 22 AREA GROSS/NET = 168,771 S.F./3.87 ACRES
PARCEL A = 101 SQ. FT.
PARCEL B = 824 SQ. FT.
PARCEL C = 603 SQ. FT.
PARCEL D = 130 SQ. FT.

FLOOD ZONE:

THE PROPERTY DESCRIBED ON THIS SURVEY LIES WITHIN ZONE "X" OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS MAP NOS. 06065C0734G AND 06065C0745G, BOTH BEARING AN EFFECTIVE DATE OF AUGUST 28, 2008.
ZONE "X" IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.

GENERAL NOTES

- 1. GRADE ELEVATIONS SHOWN ON THE TENTATIVE PARCEL MAP ARE APPROXIMATE. THE ELEVATIONS MAY CHANGE BY 10 FEET. ELEVATION CHANGES MAY BE GREATER THAN 10 FEET BUT ONLY IF DETERMINED BY THE CITY OF MORENO VALLEY THAT THE REVISIONS ARE CONSISTENT WITH THE INTENT OF THE SUBDIVISION MAP APPROVAL.
- 2. PARCEL LINES AND PARCEL SIZES CAN BE ADJUSTED PROVIDED NO ADDITIONAL LOTS ARE CREATED. THE DEGREE OF ADJUSTMENT SHALL BE CONSISTENT WITH THE INTENT OF THE SUBDIVISION MAP APPROVAL AND THE SUBDIVISION MAP ACT.
- 3. ALIGNMENT AND GEOMETRICS OF STREETS, SIDEWALKS, AND UTILITIES ARE APPROXIMATE. ADJUSTMENTS TO STREETS CAN BE MADE PROVIDED THE DEPARTMENTS OF PUBLIC WORKS AND PLANNING DETERMINE THAT THE ADJUSTMENTS ARE CONSISTENT WITH THE INTENT OF THE SUBDIVISION APPROVAL.
- 4. BUILDING FOOTPRINTS AND ENVELOPES THAT ARE SHOWN ON THE SUBDIVISION MAP OR ACCOMPANYING SITE PLAN ARE ONLY FOR ILLUSTRATIVE PURPOSES. ACTUAL BUILDING LOCATIONS AND FOOTPRINTS MAY VARY AND WILL BE PREVIEWED DURING INDIVIDUAL PROJECT SITE PLAN APPROVAL PROCESSES AND SHALL BE GRANTED PROVIDED THE PROPOSED BUILDING SATISFIES ALL EXISTING CODES AND ORDINANCES.
- 5. PERMISSION IS GRANTED FOR PHASED FINAL MAPS.
- 6. PERMISSION IS GRANTED TO COMBINE LOTS.
- 7. THE LOCATIONS OF APPURTENANT STRUCTURES (E.G., PASEOS, PEDESTRIAN BRIDGES, TRANSIT SHELTERS, WATER QUALITY BASINS, ETC.) MAY BE RELOCATED TO THE SATISFACTION OF PLANNING AND PUBLIC WORKS.
- 8. PERMISSION GRANTED TO MASS/BULK GRADE.
- 9. ALL DIMENSIONS SHOWN ARE APPROXIMATE.
- 10. THIS PROJECT IS A PART OF A SPECIFIC PLAN.
- 11. THIS PROJECT WILL PROCESS AND RECORD CC&RS FOR CROSS LOT DRAINAGE, UTILITIES, PARKING, AND ACCESS.
- 12. ON-SITE SEWER AND STORM DRAIN SYSTEMS ARE PRIVATE EXCEPT WHERE NOTED.
- 13. NO GATES ARE PROPOSED IN THIS PROJECT. ANY PROPOSED GATE WILL BE SUBJECT TO ADDITIONAL REVIEW AND COMMENTS.

SURVEYOR'S NOTES

THE TENTATIVE MAP INCLUDES THE ENTIRE CONTIGUOUS OWNERSHIP OF THE LAND DIVIDER OR ONLY A PORTION THEREOF.
SEE SHEET 2 FOR SHEET INDEX.
LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE ONLY.

PROJECT DESCRIPTION

AS SUBDIVISION OF PARCELS 1 THROUGH 4, INCLUSIVE OF PARCEL MAP NO. 27143 INTO 22 SEPARATE PARCELS.

BENCHMARK

CITY OF MORENO VALLEY BENCHMARK POINT NUMBER "M-59-69"

ELEVATION: 1641.594 FEET [DATUM: NGVD 29]

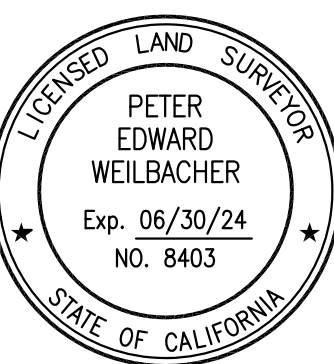
DESCRIPTION: 3" ALUMINUM DISK STAMPED "CITY OF MORENO VALLEY, M-59-69 RESET 1997" BENCHMARK
LOCATION: SOUTHEAST CURB RETURN AT BCR AT THE INTERSECTION OF FREDERICK STREET AT SUNNYMEAD BOULEVARD.

BASIS OF BEARINGS

THE CENTERLINE OF FREDERICK STREET, BEING NORTH 00°17'50" WEST, AS SHOWN ON PARCEL MAP NO. 27143, FILED IN BOOK 174, PAGES 25 THROUGH 28, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE, STATE OF CALIFORNIA.

SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA, THAT THIS MAP CONSISTING OF 6 SHEETS REPRESENTS A TRUE AND COMPLETE SURVEY MADE BY ME OR UNDER MY DIRECTION IN MARCH 2022.



PETER E. WEILBACHER, PLS 8403
EXPIRES 06-30-24
03/18/2022 DATE

PROJECT DESCRIPTION

AS SUBDIVISION OF PARCELS 1 THROUGH 4, INCLUSIVE OF PARCEL MAP NO. 27143 INTO 22 SEPARATE PARCELS.

BENCHMARK

CITY OF MORENO VALLEY BENCHMARK POINT NUMBER "M-59-69"

ELEVATION: 1641.594 FEET [DATUM: NGVD 29]

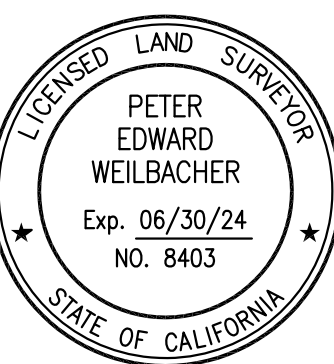
DESCRIPTION: 3" ALUMINUM DISK STAMPED "CITY OF MORENO VALLEY, M-59-69 RESET 1997" BENCHMARK
LOCATION: SOUTHEAST CURB RETURN AT BCR AT THE INTERSECTION OF FREDERICK STREET AT SUNNYMEAD BOULEVARD.

BASIS OF BEARINGS

THE CENTERLINE OF FREDERICK STREET, BEING NORTH 00°17'50" WEST, AS SHOWN ON PARCEL MAP NO. 27143, FILED IN BOOK 174, PAGES 25 THROUGH 28, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE, STATE OF CALIFORNIA.

SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA, THAT THIS MAP CONSISTING OF 6 SHEETS REPRESENTS A TRUE AND COMPLETE SURVEY MADE BY ME OR UNDER MY DIRECTION IN MARCH 2022.



PETER E. WEILBACHER, PLS 8403
EXPIRES 06-30-24
03/18/2022 DATE

PROJECT DESCRIPTION

AS SUBDIVISION OF PARCELS 1 THROUGH 4, INCLUSIVE OF PARCEL MAP NO. 27143 INTO 22 SEPARATE PARCELS.

BENCHMARK

CITY OF MORENO VALLEY BENCHMARK POINT NUMBER "M-59-69"

ELEVATION: 1641.594 FEET [DATUM: NGVD 29]

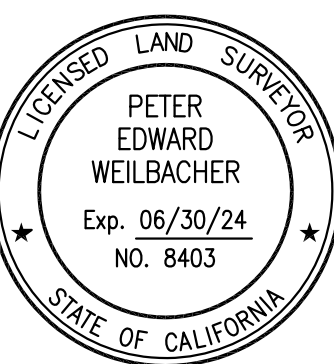
DESCRIPTION: 3" ALUMINUM DISK STAMPED "CITY OF MORENO VALLEY, M-59-69 RESET 1997" BENCHMARK
LOCATION: SOUTHEAST CURB RETURN AT BCR AT THE INTERSECTION OF FREDERICK STREET AT SUNNYMEAD BOULEVARD.

BASIS OF BEARINGS

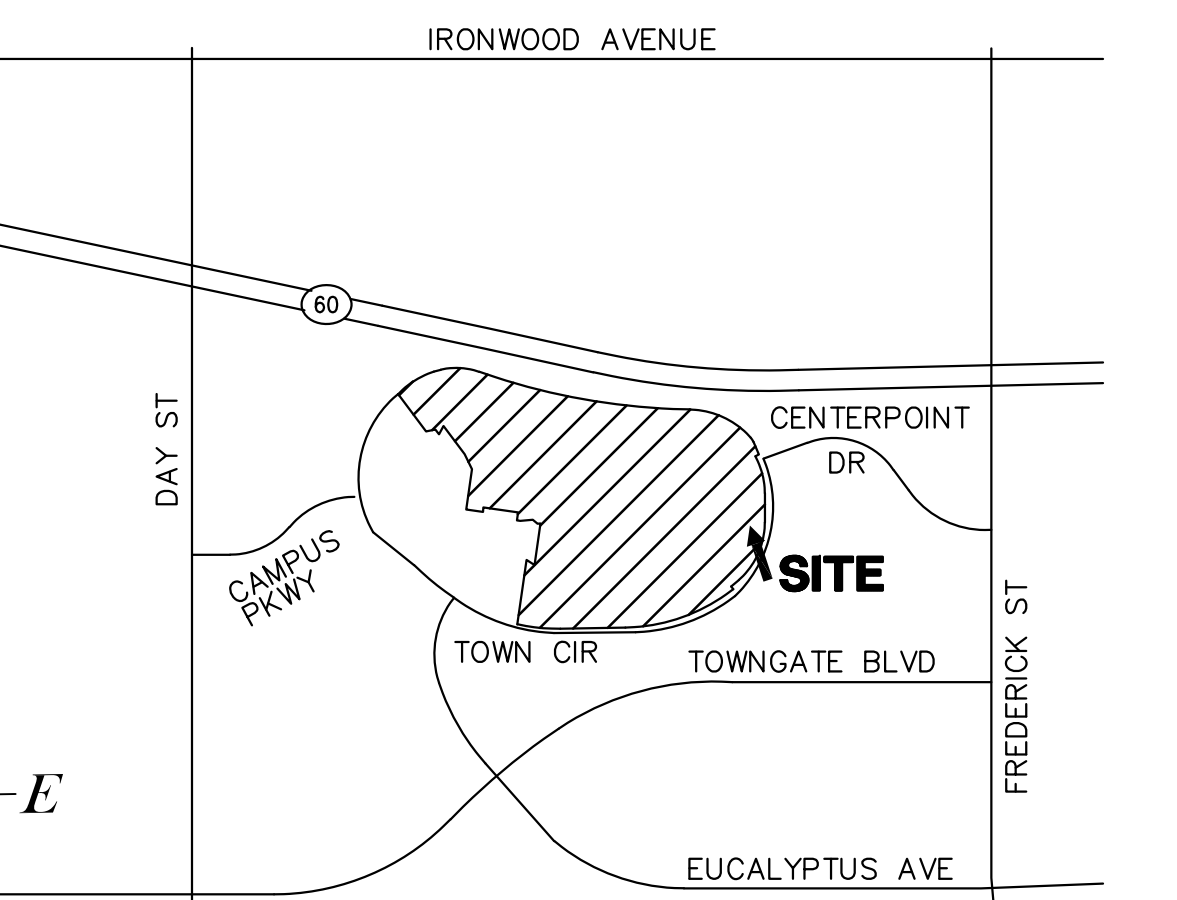
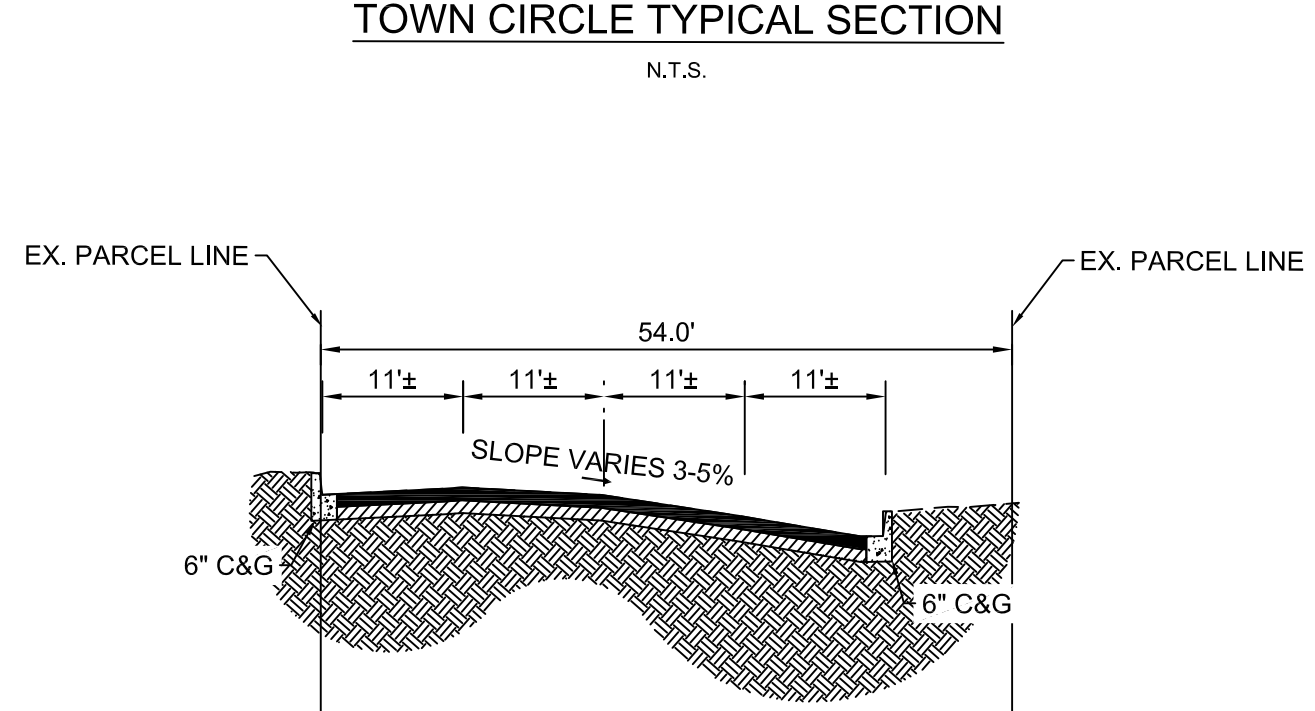
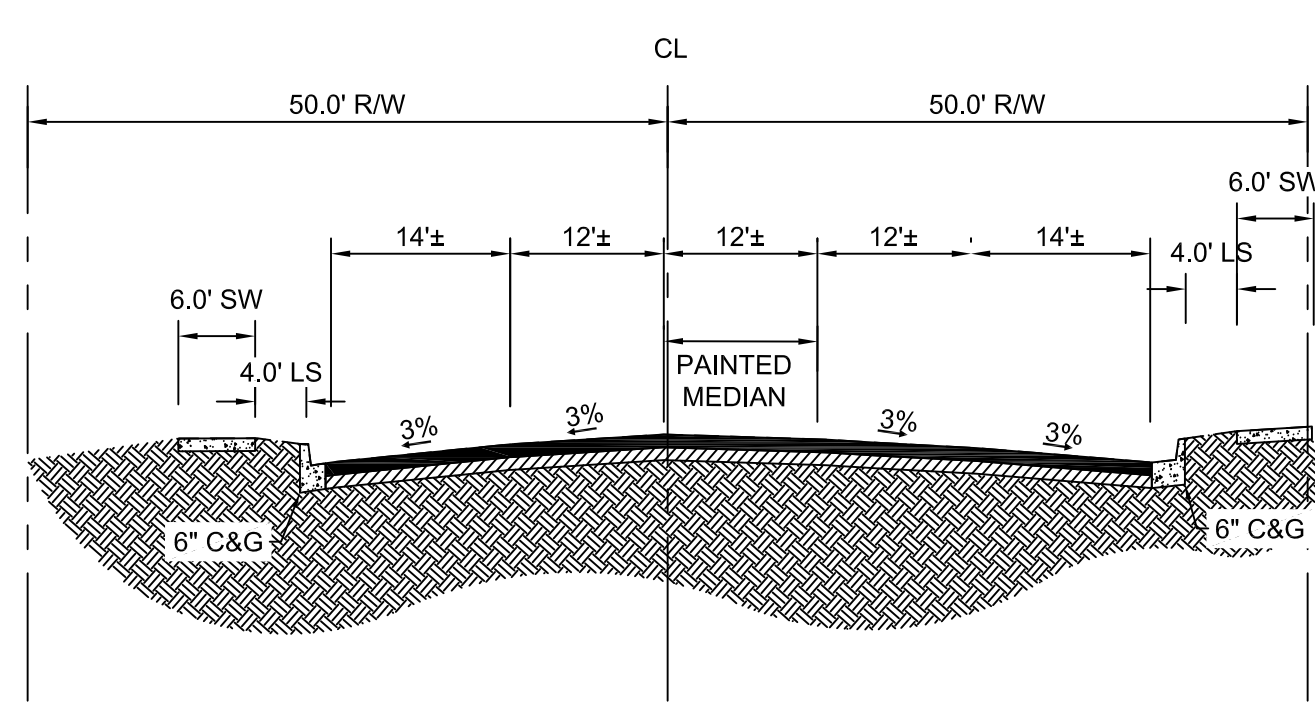
THE CENTERLINE OF FREDERICK STREET, BEING NORTH 00°17'50" WEST, AS SHOWN ON PARCEL MAP NO. 27143, FILED IN BOOK 174, PAGES 25 THROUGH 28, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE, STATE OF CALIFORNIA.

SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA, THAT THIS MAP CONSISTING OF 6 SHEETS REPRESENTS A TRUE AND COMPLETE SURVEY MADE BY ME OR UNDER MY DIRECTION IN MARCH 2022.



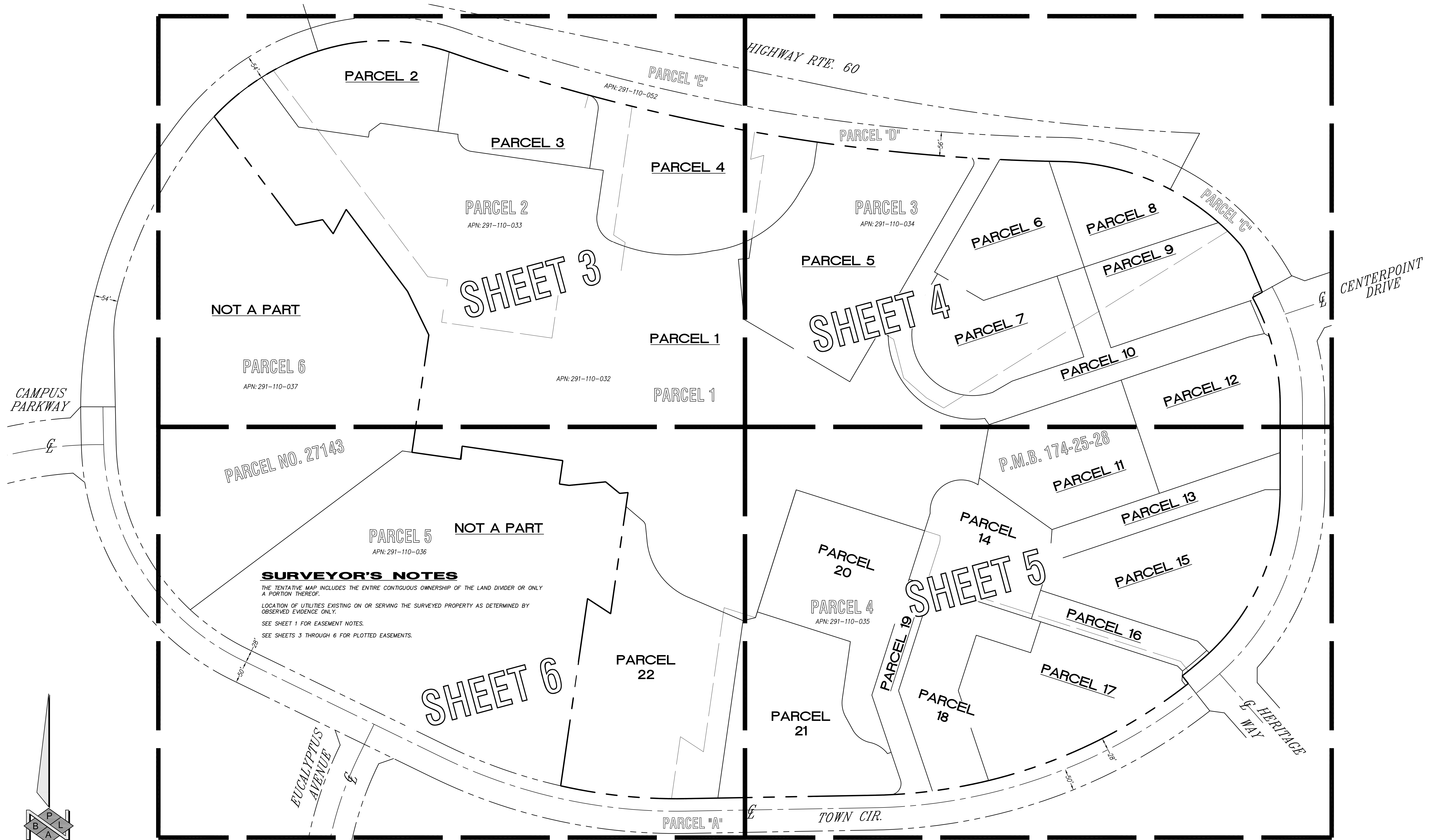
PETER E. WEILBACHER, PLS 8403
EXPIRES 06-30-24
03/18/2022 DATE



TENTATIVE PARCEL MAP		PREPARED BY:		DATE	BY	REVISION	APP'D	JOB NO.
CITY RECORD NO.	PEN22-0061	PBLA SURVEYING, INC.		03/15/2022	DH	FIRST RELEASE	PW	5001-547
PARCEL MAP NO.	38420	Planning • Engineering • Surveying		03/18/2022	DH	SECOND RELEASE	PW	
DATE OF PREPARATION:	03/15/2022	981 CORPORATE CENTER DR. STE. 168 POMONA, CALIF. 91768 (888) 714-9642 • (714)389-9191 FAX		07/19/2022	DH	THIRD RELEASE - PARCEL RE-ALIGNMENT	PW	

TENTATIVE PARCEL MAP No. 38420

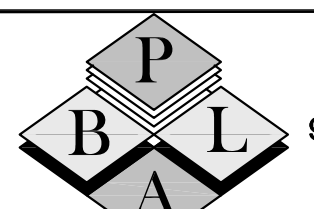
CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



SURVEYOR'S NOTES
 THE TENTATIVE MAP INCLUDES THE ENTIRE CONTIGUOUS OWNERSHIP OF THE LAND DIVIDER OR ONLY A PORTION THEREOF.
 LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE ONLY.
 SEE SHEET 1 FOR EASEMENT NOTES.
 SEE SHEETS 3 THROUGH 6 FOR PLOTTED EASEMENTS.

TENTATIVE PARCEL MAP	
CITY RECORD NO.	PEN22-0061
PARCEL MAP NO.	38420
DATE OF PREPARATION:	03/15/2022

PREPARED BY:
PBLA SURVEYING, INC.
 Planning • Engineering • Surveying
 981 CORPORATE CENTER DR., STE. 168
 POMONA, CALIF. 91768
 (888) 714-9642 • (714)389-9191 FAX

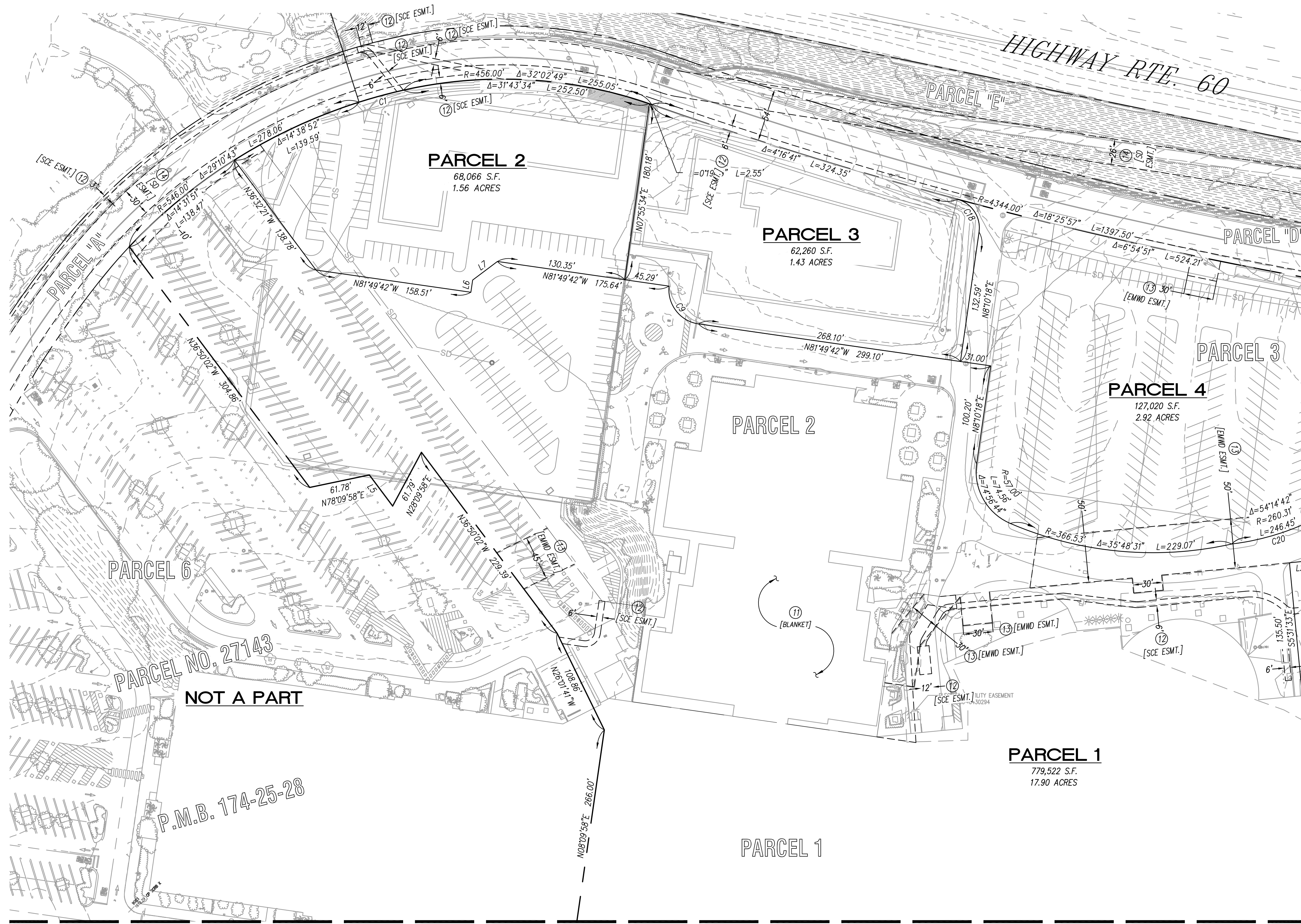


DATE	BY	REVISION	APP'D
03/15/2022	DH	FIRST RELEASE	PW
03/18/2022	DH	SECOND RELEASE	PW
07/19/2022	DH	THIRD RELEASE - PARCEL RE-ALIGNMENT	PW

JOB NO.
5001-547
Sht. 2 of 6

TENTATIVE PARCEL MAP No. 38420

CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



SEE SHEET 4

LINE	BEARING	LENGTH
L1	N61°05'16"E	24.85'
L2	N38°10'35"W	22.00'
L3	N84°28'27"E	18.84'
L4	N08°09'58"E	29.67'
L5	N36°50'02"W	39.35'
L6	N08°10'18"E	12.50'
L7	N53°10'18"E	31.41'
L8	N28°09'36"W	4.81'
L9	N22°49'56"W	3.62'
L10	N67°10'04"E	17.98'
L11	N24°15'39"E	9.19'
L12	N24°15'39"E	7.02'
L13	N71°21'13"E	2.47'
L14	N89°59'17"W	33.98'
L15	N34°38'16"W	16.92'
L16	N03°29'33"E	10.74'
L17	N03°29'33"E	10.95'
L18	N38°16'07"W	13.80'
L19	N44°44'46"W	15.86'
L20	N44°44'46"W	7.90'
L21	N44°44'46"W	29.48'
L22	N17°55'55"E	73.01'
L23	N17°55'55"E	67.00'
L24	N17°55'55"E	65.87'
L25	N70°24'37"E	8.71'
L26	S28°45'58"E	32.38'
L27	N76°28'00"E	28.71'
L28	N49°32'27"W	50.66'
L29	N84°28'27"E	24.06'
L30	N00°00'43"E	0.64'

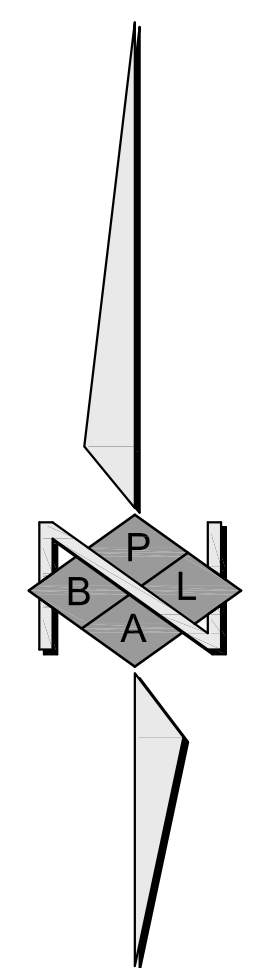
CURVE	RADIUS	LENGTH	DELTA
C1	546.00'	46.81'	004°54'45"
C2	4344.00'	61.95'	000°49'02"
C3	4344.00'	27.08'	000°21'26"
C4	100.00'	32.95'	018°52'54"
C5	500.00'	95.62'	010°57'26"
C6	500.00'	13.61'	001°33'36"
C7	1150.00'	65.88'	003°16'56"
C8	1172.00'	7.26'	000°21'17"
C9	35.00'	53.65'	087°49'39"
C10	82.00'	33.53'	023°25'36"
C11	190.00'	83.99'	025°19'43"
C12	15.00'	15.26'	058°17'12"
C13	68.00'	47.84'	040°18'48"
C14	58.00'	49.60'	048°59'57"
C15	66.00'	42.41'	036°49'03"
C16	15.00'	11.47'	043°49'32"
C17	25.00'	46.20'	105°52'50"
C18	30.00'	43.51'	083°05'32"
C19	1142.00'	71.44'	003°35'03"
C20	260.31'	93.50'	020°34'49"
C21	260.31'	152.95'	033°39'53"

SURVEYOR'S NOTES

SEE SHEET 1 FOR EASEMENT NOTES.
 THE ORIGINAL PARCEL LINES ARE SHOWN HEREONE TO DELINEATE THE EXTENT OF SEVERAL OF THE EXISTING EASEMENTS SHOWN HEREON.

LEGEND

- RIGHT-OF-WAY LINE
 - LOT/PARCEL LINE
 - STREET CENTERLINE
 - BOUNDARY LINE
 - EASEMENT SIDELINE
 - C/L TIE LINE
 - ORIGINAL PARCEL LINE
 - EXISTING EASEMENT
 - TO BE VACATED
- S - SOUTH
 - N - NORTH
 - W - WEST
 - E - EAST
 - S\LY - SOUTHERLY
 - N\LY - NORTHERLY
 - W\LY - WESTERLY
 - E\LY - EASTERLY
 - C/L - CENTERLINE
 - PL - PROPERTY LINE
 - R/W - RIGHT-OF-WAY LINE
 - (TYP) - TYPICAL
 - APN - ASSESSOR'S PARCEL NUMBER
 - PTR - TITLE REPORT
 - ESMT - EASEMENT
 - INST - INSTRUMENT
 - O.R. - OFFICIAL RECORDS
 - PUE - PUBLIC UTILITY EASEMENT
- UTILITIES**
- CATV - CABLE/TELEVISION
 - COMM - COMMUNICATION
 - ELEC - ELECTRIC
 - EMWD - EASTERN MUNICIPAL WATER DISTRICT
 - SCE - SO-CAL EDISON
 - SD - STORM DRAIN
 - SWR - SEWER
 - TEL - TELEPHONE
 - WT - WATER



SEE SHEET 6

TENTATIVE PARCEL MAP	
CITY RECORD NO.	PEN22-0061
PARCEL MAP NO.	38420
DATE OF PREPARATION:	03/15/2022

PREPARED BY:
PBLA SURVEYING, INC.
 Planning • Engineering • Surveying
 981 CORPORATE CENTER DR., STE. 168
 POMONA, CALIF. 91768
 (888) 714-9642 • (714)389-9191 FAX

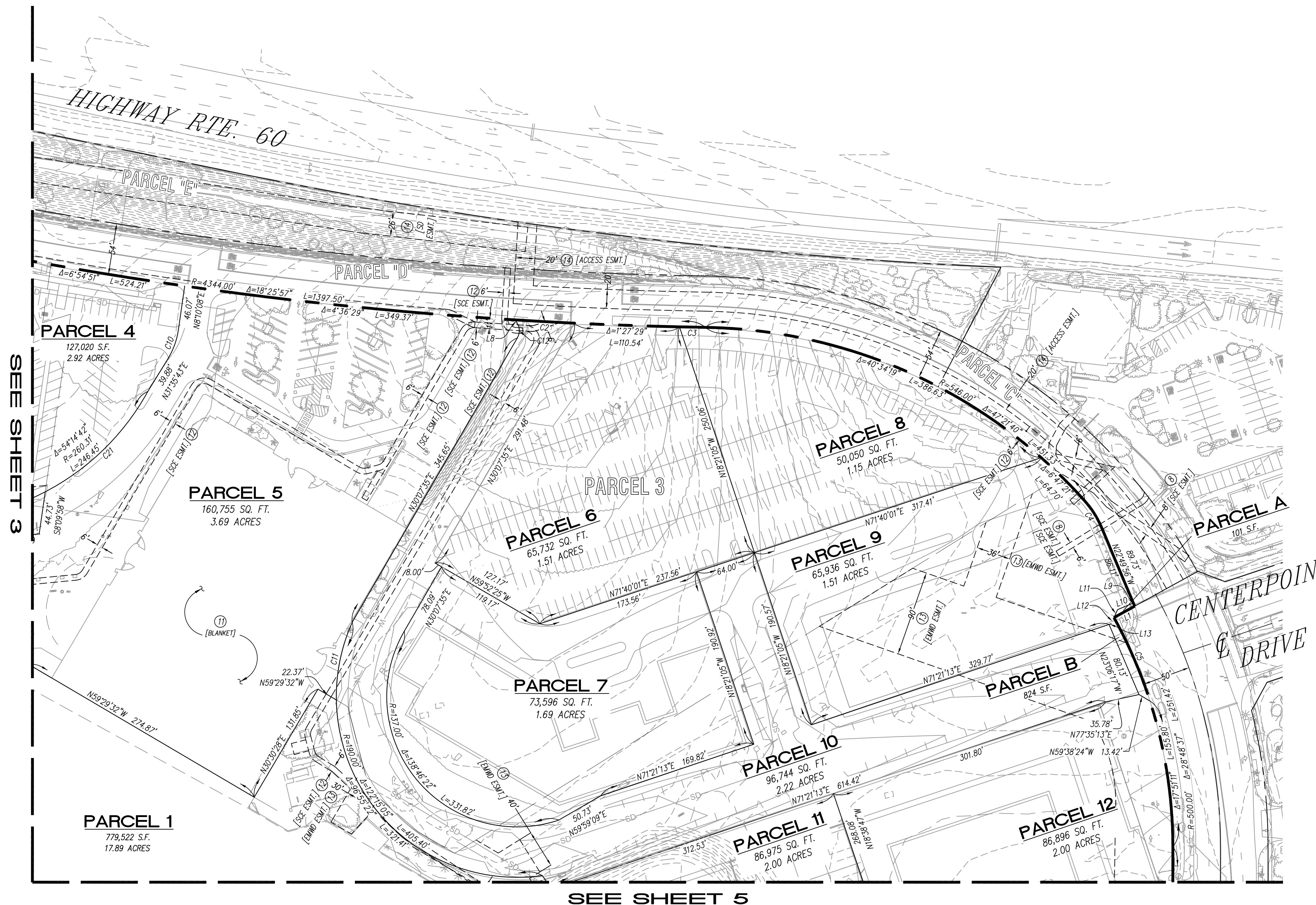
DATE	BY	REVISION	APP'D
03/15/2022	DH	FIRST RELEASE	PW
03/18/2022	DH	SECOND RELEASE	PW
07/19/2022	DH	THIRD RELEASE - PARCEL RE-ALIGNMENT	PW

JOB NO.
5001-547

Sht. 3 of 6

TENTATIVE PARCEL MAP No. 38420

CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



LINE TABLE		
LINE	BEARING	LENGTH
L1	N61°05'16"E	24.85'
L2	N38°10'35"W	22.00'
L3	N84°28'27"E	18.84'
L4	N08°09'58"E	29.67'
L5	N36°50'02"W	39.35'
L6	N08°10'18"E	12.50'
L7	N53°10'18"E	31.41'
L8	N28°09'36"W	4.81'
L9	N22°49'56"W	3.62'
L10	N67°10'04"E	17.98'
L11	N24°15'39"E	9.19'
L12	N24°15'39"E	7.02'
L13	N71°21'13"E	2.47'
L14	N89°59'17"W	33.98'
L15	N34°38'16"W	16.92'
L16	N03°29'33"E	10.74'
L17	N03°29'33"E	10.95'
L18	N38°16'07"W	13.80'
L19	N44°44'46"W	15.86'
L20	N44°44'46"W	7.90'
L21	N44°44'46"W	29.48'
L22	N17°55'55"E	73.01'
L23	N17°55'55"E	67.00'
L24	N17°55'55"E	65.87'
L25	N70°24'37"E	8.71'
L26	S28°45'58"E	32.38'
L27	N76°28'00"E	28.71'
L28	N49°32'27"W	50.66'
L29	N84°28'27"E	24.06'
L30	N00°00'43"E	0.64'

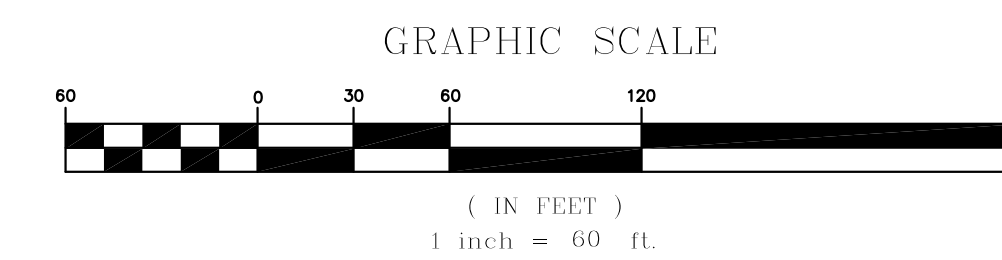
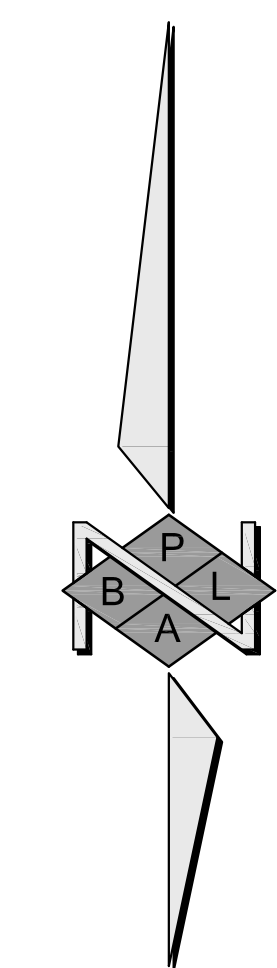
CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	546.00'	46.81'	004°54'45"
C2	4344.00'	61.95'	000°49'02"
C3	4344.00'	27.08'	000°21'26"
C4	100.00'	32.95'	018°52'54"
C5	500.00'	95.62'	010°57'26"
C6	500.00'	13.61'	001°33'36"
C7	1150.00'	65.88'	003°16'56"
C8	1172.00'	7.26'	000°21'17"
C9	35.00'	53.65'	087°49'39"
C10	82.00'	33.53'	023°25'36"
C11	190.00'	83.99'	025°19'43"
C12	15.00'	15.26'	058°17'12"
C13	68.00'	47.84'	040°18'48"
C14	58.00'	49.60'	048°59'57"
C15	66.00'	42.41'	036°49'03"
C16	15.00'	11.47'	043°49'32"
C17	25.00'	46.20'	105°52'50"
C18	30.00'	43.51'	083°05'32"
C19	1142.00'	71.44'	003°35'03"
C20	260.31'	93.50'	020°34'49"
C21	260.31'	152.95'	033°39'53"

SURVEYOR'S NOTES

SEE SHEET 1 FOR EASEMENT NOTES.
 THE ORIGINAL PARCEL LINES ARE SHOWN HEREONE TO DELINEATE THE EXTENT OF SEVERAL OF THE EXISTING EASEMENTS SHOWN HEREON.

LEGEND

	RIGHT-OF-WAY LINE	S	- SOUTH
	LOT/PARCEL LINE	N	- NORTH
	STREET CENTERLINE	W	- WEST
	BOUNDARY LINE	E	- EAST
	EASEMENT SIDELINE	S\LY	- SOUTHERLY
	C/L TIE LINE	N\LY	- NORTHERLY
	ORIGINAL PARCEL LINE	W\LY	- WESTERLY
	EXISTING EASEMENT TO BE VACATED	E\LY	- EASTERLY
		C/L	- CENTERLINE
		PL	- PROPERTY LINE
		R/W	- RIGHT-OF-WAY LINE
		(TYP)	- TYPICAL
		APN	- ASSESSOR'S PARCEL NUMBER
		PTR	- TITLE REPORT
		ESMT	- EASEMENT
		INST	- INSTRUMENT
		O.R.	- OFFICIAL RECORDS
		PUE	- PUBLIC UTILITY EASEMENT
		UTILITIES	
		CATV	- CABLE/TELEVISION
		COMM	- COMMUNICATION
		ELEC	- ELECTRIC
		EMWD	- EASTERN MUNICIPAL WATER DISTRICT
		SCE	- SO-CAL EDISON
		SD	- STORM DRAIN
		SWR	- SEWER
		TEL	- TELEPHONE
		WT	- WATER



TENTATIVE PARCEL MAP	
CITY RECORD NO.	
PARCEL MAP NO.	38420
DATE OF PREPARATION:	03/15/2022

PREPARED BY:
PBLA SURVEYING, INC.
 Planning • Engineering • Surveying
 981 CORPORATE CENTER DR., STE. 168
 POMONA, CALIF. 91768
 (888) 714-9642 • (714) 389-9191 FAX

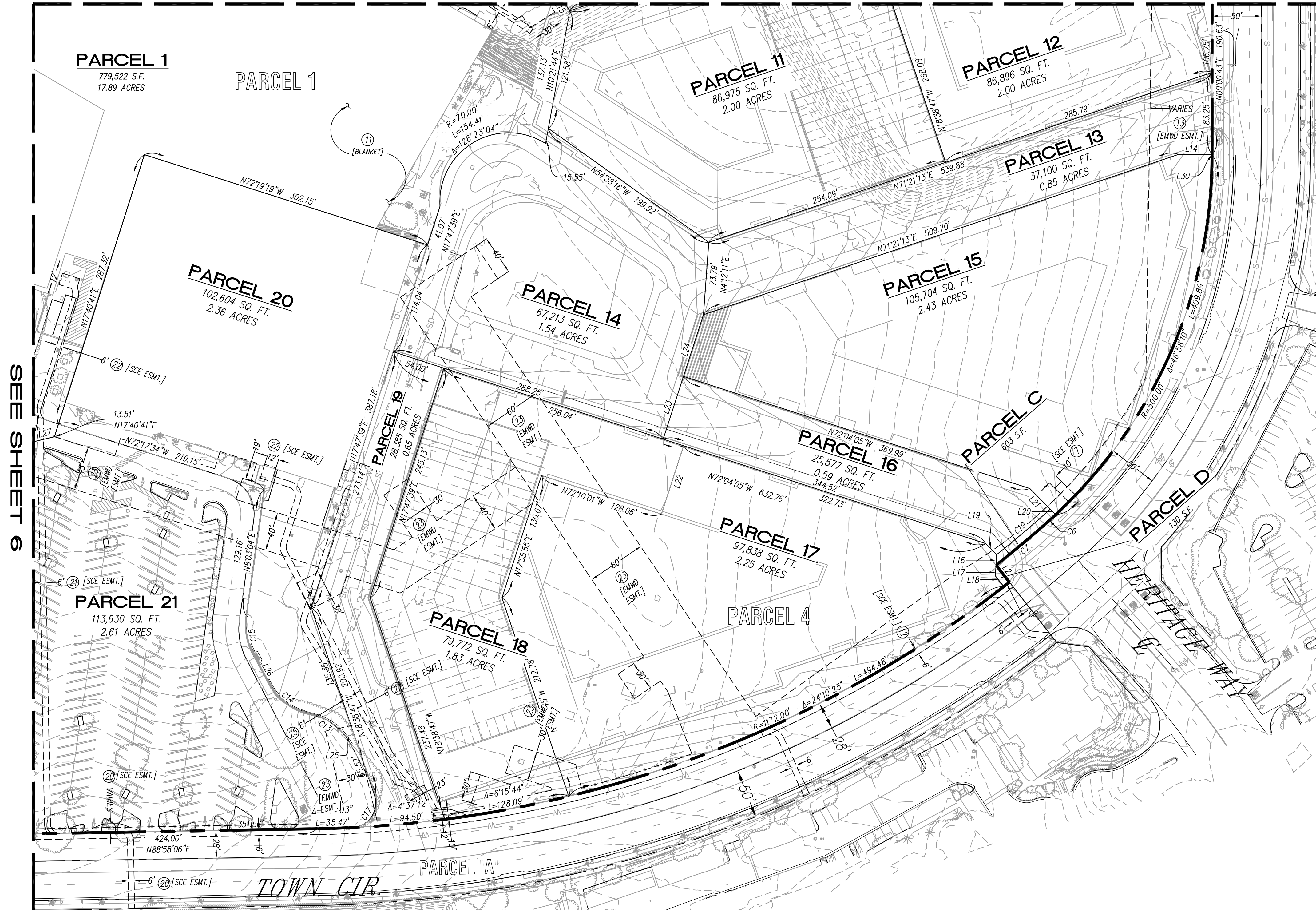
DATE	BY	REVISION	APP'D
03/15/2022	DH	FIRST RELEASE	PW
03/18/2022	DH	SECOND RELEASE	PW
07/19/2022	DH	THIRD RELEASE - PARCEL RE-ALIGNMENT	PW

JOB NO.
5001-547

TENTATIVE PARCEL MAP No. 38420

CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

SEE SHEET 4



LINE TABLE		
LINE	BEARING	LENGTH
L1	N61°05'16"E	24.85'
L2	N38°10'35"W	22.00'
L3	N84°28'27"E	18.84'
L4	N08°09'58"E	29.67'
L5	N36°50'02"W	39.35'
L6	N08°10'18"E	12.50'
L7	N53°10'18"E	31.41'
L8	N28°09'36"W	4.81'
L9	N22°49'56"W	3.62'
L10	N67°10'04"E	17.98'
L11	N24°15'39"E	9.19'
L12	N24°15'39"E	7.02'
L13	N71°21'13"E	2.47'
L14	N89°59'17"W	33.98'
L15	N34°38'16"W	16.92'
L16	N03°29'33"E	10.74'
L17	N03°29'33"E	10.95'
L18	N38°16'07"W	13.80'
L19	N44°44'46"W	15.86'
L20	N44°44'46"W	7.90'
L21	N44°44'46"W	29.48'
L22	N17°55'55"E	73.01'
L23	N17°55'55"E	67.00'
L24	N17°55'55"E	65.87'
L25	N70°24'37"E	8.71'
L26	S28°45'58"E	32.38'
L27	N76°28'00"E	28.71'
L28	N49°32'27"W	50.66'
L29	N84°28'27"E	24.06'
L30	N00°00'43"E	0.64'

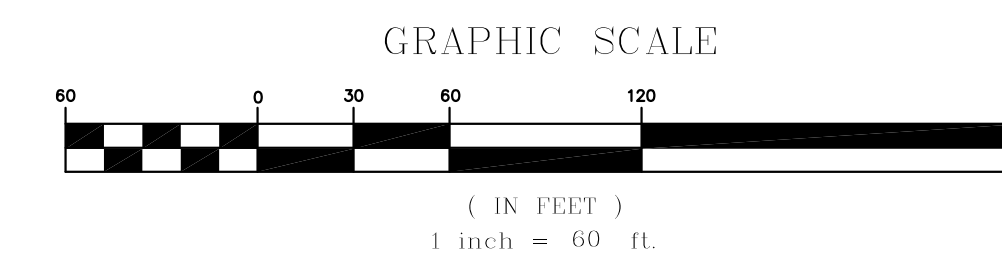
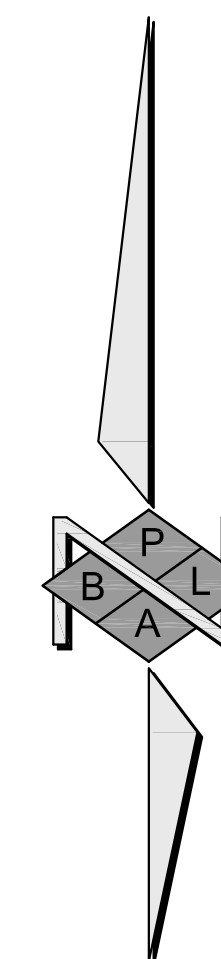
CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	546.00'	46.81'	004°54'45"
C2	4344.00'	61.95'	000°49'02"
C3	4344.00'	27.08'	000°21'26"
C4	100.00'	32.95'	018°52'54"
C5	500.00'	95.62'	010°57'26"
C6	500.00'	13.61'	001°33'36"
C7	1150.00'	65.88'	003°16'56"
C8	1172.00'	7.26'	000°21'17"
C9	35.00'	53.65'	087°49'39"
C10	82.00'	33.53'	023°25'36"
C11	190.00'	83.99'	025°19'43"
C12	15.00'	15.26'	058°17'12"
C13	68.00'	47.84'	040°18'48"
C14	58.00'	49.60'	048°59'57"
C15	66.00'	42.41'	036°49'03"
C16	15.00'	11.47'	043°49'32"
C17	25.00'	46.20'	105°52'50"
C18	30.00'	43.51'	083°05'32"
C19	1142.00'	71.44'	003°35'03"
C20	260.31'	93.50'	020°34'49"
C21	260.31'	152.95'	033°39'53"

SURVEYOR'S NOTES

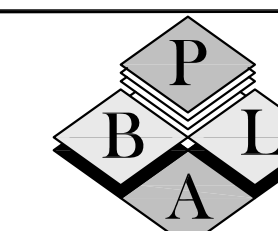
SEE SHEET 1 FOR EASEMENT NOTES.
 THE ORIGINAL PARCEL LINES ARE SHOWN HEREONE TO DELINEATE THE EXTENT OF SEVERAL OF THE EXISTING EASEMENTS SHOWN HEREON.

LEGEND

	RIGHT-OF-WAY LINE	S	- SOUTH
	LOT/PARCEL LINE	N	- NORTH
	STREET CENTERLINE	W	- WEST
	BOUNDARY LINE	E	- EAST
	EASEMENT SIDELINE	S\LY	- SOUTHERLY
	C/L TIE LINE	N\LY	- NORTHERLY
	ORIGINAL PARCEL LINE	W\LY	- WESTERLY
	EXISTING EASEMENT TO BE VACATED	E\LY	- EASTERLY
		C/L	- CENTERLINE
		PL	- PROPERTY LINE
		R/W	- RIGHT-OF-WAY LINE
		(TYP)	- TYPICAL
		APN	- ASSESSOR'S PARCEL NUMBER
		PTR	- TITLE REPORT
		ESMT	- EASEMENT
		INST	- INSTRUMENT
		O.R.	- OFFICIAL RECORDS
		PUE	- PUBLIC UTILITY EASEMENT
		UTILITIES	
		CATV	- CABLE/TELEVISION
		COMM	- COMMUNICATION
		ELEC	- ELECTRIC
		EMWD	- EASTERN MUNICIPAL WATER DISTRICT
		SCE	- SO-CAL EDISON
		SD	- STORM DRAIN
		SWR	- SEWER
		TEL	- TELEPHONE
		WT	- WATER



TENTATIVE PARCEL MAP	
CITY RECORD NO.	PEN22-0061
PARCEL MAP NO.	38420
DATE OF PREPARATION:	03/15/2022



PREPARED BY:
PBL SURVEYING, INC.
 Planning • Engineering • Surveying
 981 CORPORATE CENTER DR., STE. 168
 POMONA, CALIF. 91768
 (888) 714-9642 • (714)389-9191 FAX

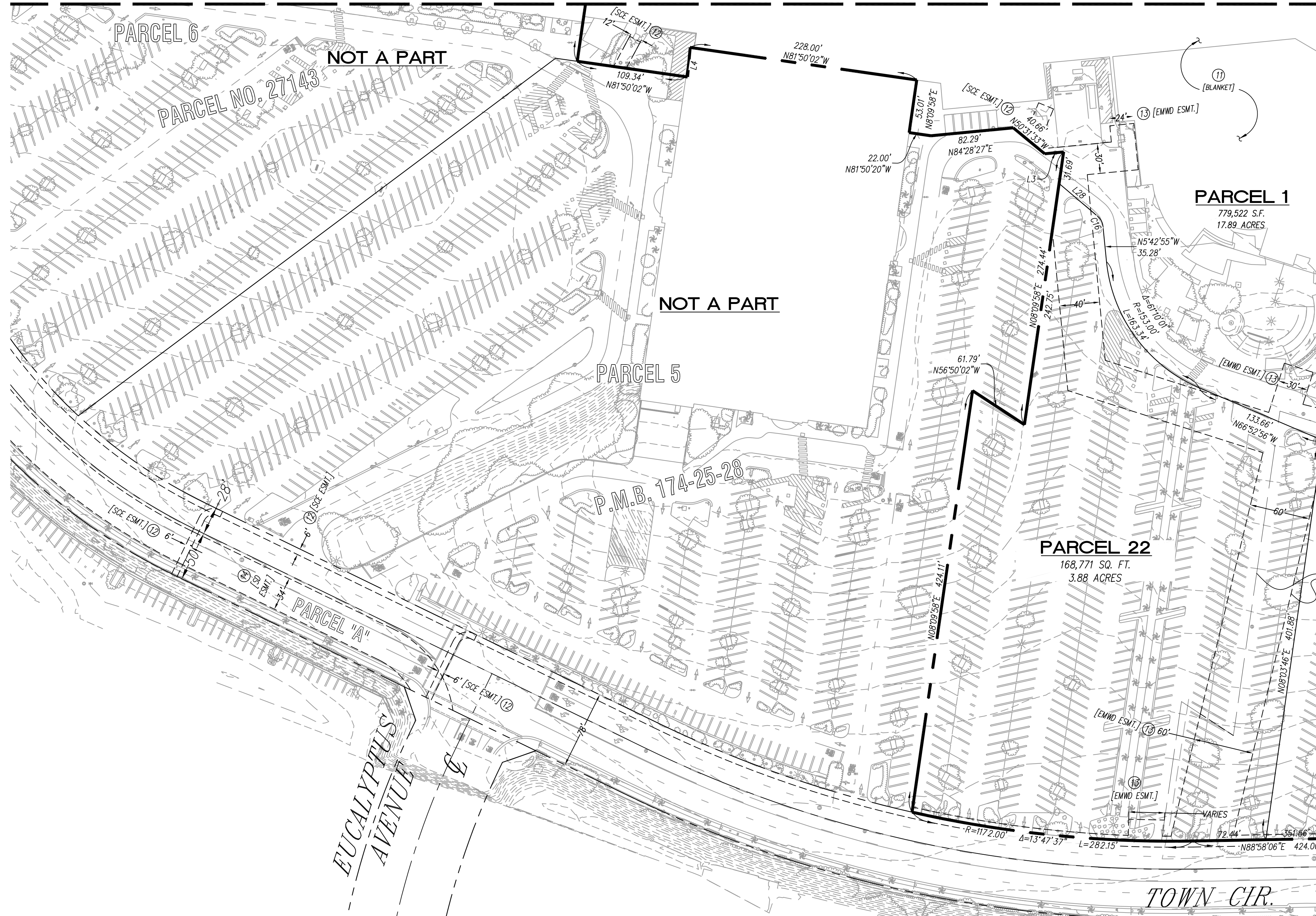
DATE	BY	REVISION	APP'D
03/15/2022	DH	FIRST RELEASE	PW
03/18/2022	DH	SECOND RELEASE	PW
07/19/2022	DH	THIRD RELEASE - PARCEL RE-ALIGNMENT	PW

JOB NO.
5001-547

TENTATIVE PARCEL MAP No. 38420

CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

SEE SHEET 3



SEE SHEET 5

LINE	BEARING	LENGTH
L1	N61°05'16"E	24.85'
L2	N38°10'35"W	22.00'
L3	N84°28'27"E	18.84'
L4	N08°09'58"E	29.67'
L5	N36°50'02"W	39.35'
L6	N08°10'18"E	12.50'
L7	N53°10'18"E	31.41'
L8	N28°09'36"W	4.81'
L9	N22°49'56"W	3.62'
L10	N67°10'04"E	17.98'
L11	N24°15'39"E	9.19'
L12	N24°15'39"E	7.02'
L13	N71°21'13"E	2.47'
L14	N89°59'17"W	33.98'
L15	N34°38'16"W	16.92'
L16	N03°29'33"E	10.74'
L17	N03°29'33"E	10.95'
L18	N38°16'07"W	13.80'
L19	N44°44'46"W	15.86'
L20	N44°44'46"W	7.90'
L21	N44°44'46"W	29.48'
L22	N17°55'55"E	73.01'
L23	N17°55'55"E	67.00'
L24	N17°55'55"E	65.87'
L25	N70°24'37"E	8.71'
L26	S28°45'58"E	32.38'
L27	N76°28'00"E	28.71'
L28	N49°32'27"W	50.66'
L29	N84°28'27"E	24.06'
L30	N00°00'43"E	0.64'

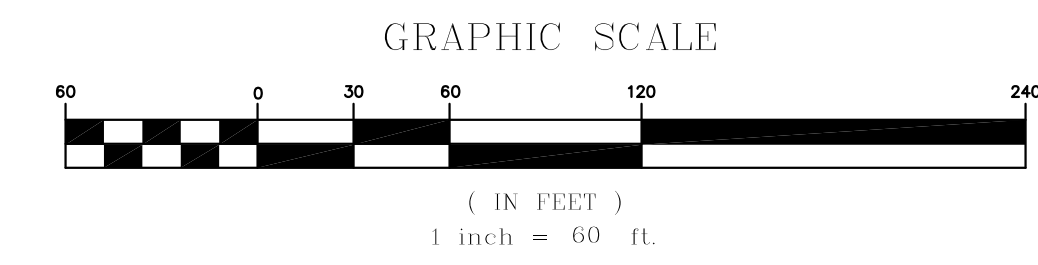
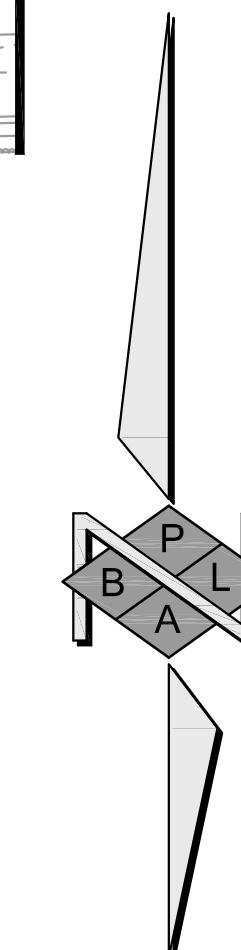
CURVE	RADIUS	LENGTH	DELTA
C1	546.00'	46.81'	004°54'45"
C2	4344.00'	61.95'	000°49'02"
C3	4344.00'	27.08'	000°21'26"
C4	100.00'	32.95'	018°52'54"
C5	500.00'	95.62'	010°57'26"
C6	500.00'	13.61'	001°33'36"
C7	1150.00'	65.88'	003°16'56"
C8	1172.00'	7.26'	000°21'17"
C9	35.00'	53.65'	087°49'39"
C10	82.00'	33.53'	023°25'36"
C11	190.00'	83.99'	025°19'43"
C12	15.00'	15.26'	058°17'12"
C13	68.00'	47.84'	040°18'48"
C14	58.00'	49.60'	048°59'57"
C15	66.00'	42.41'	036°49'03"
C16	15.00'	11.47'	043°49'32"
C17	25.00'	46.20'	105°52'50"
C18	30.00'	43.51'	083°05'32"
C19	1142.00'	71.44'	003°35'03"
C20	260.31'	93.50'	020°34'49"
C21	260.31'	152.95'	033°39'53"

SURVEYOR'S NOTES

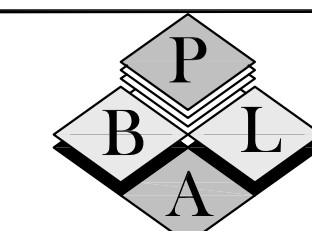
SEE SHEET 1 FOR EASEMENT NOTES.
 THE ORIGINAL PARCEL LINES ARE SHOWN HEREONE TO DELINEATE THE EXTENT OF SEVERAL OF THE EXISTING EASEMENTS SHOWN HEREON.

LEGEND

	RIGHT-OF-WAY LINE	S	- SOUTH
	LOT/PARCEL LINE	N	- NORTH
	STREET CENTERLINE	W	- WEST
	BOUNDARY LINE	E	- EAST
	EASEMENT SIDELINE	S\LY	- SOUTHERLY
	C/L TIE LINE	N\LY	- NORTHERLY
	ORIGINAL PARCEL LINE	W\LY	- WESTERLY
	EXISTING EASEMENT TO BE VACATED	E\LY	- EASTERLY
		C/L	- CENTERLINE
		PL	- PROPERTY LINE
		R/W	- RIGHT-OF-WAY LINE
		(TYP)	- TYPICAL
		APN	- ASSESSOR'S PARCEL NUMBER
		PTR	- TITLE REPORT
		ESMT	- EASEMENT
		INST	- INSTRUMENT
		O.R.	- OFFICIAL RECORDS
		PUE	- PUBLIC UTILITY EASEMENT
		UTILITIES	
		CATV	- CABLE/TELEVISION
		COMM	- COMMUNICATION
		ELEC	- ELECTRIC
		EMWD	- EASTERN MUNICIPAL WATER DISTRICT
		SCE	- SO-CAL EDISON
		SD	- STORM DRAIN
		SWR	- SEWER
		TEL	- TELEPHONE
		WT	- WATER



TENTATIVE PARCEL MAP	
CITY RECORD NO.	PEN22-0061
PARCEL MAP NO.	38420
DATE OF PREPARATION:	03/15/2022

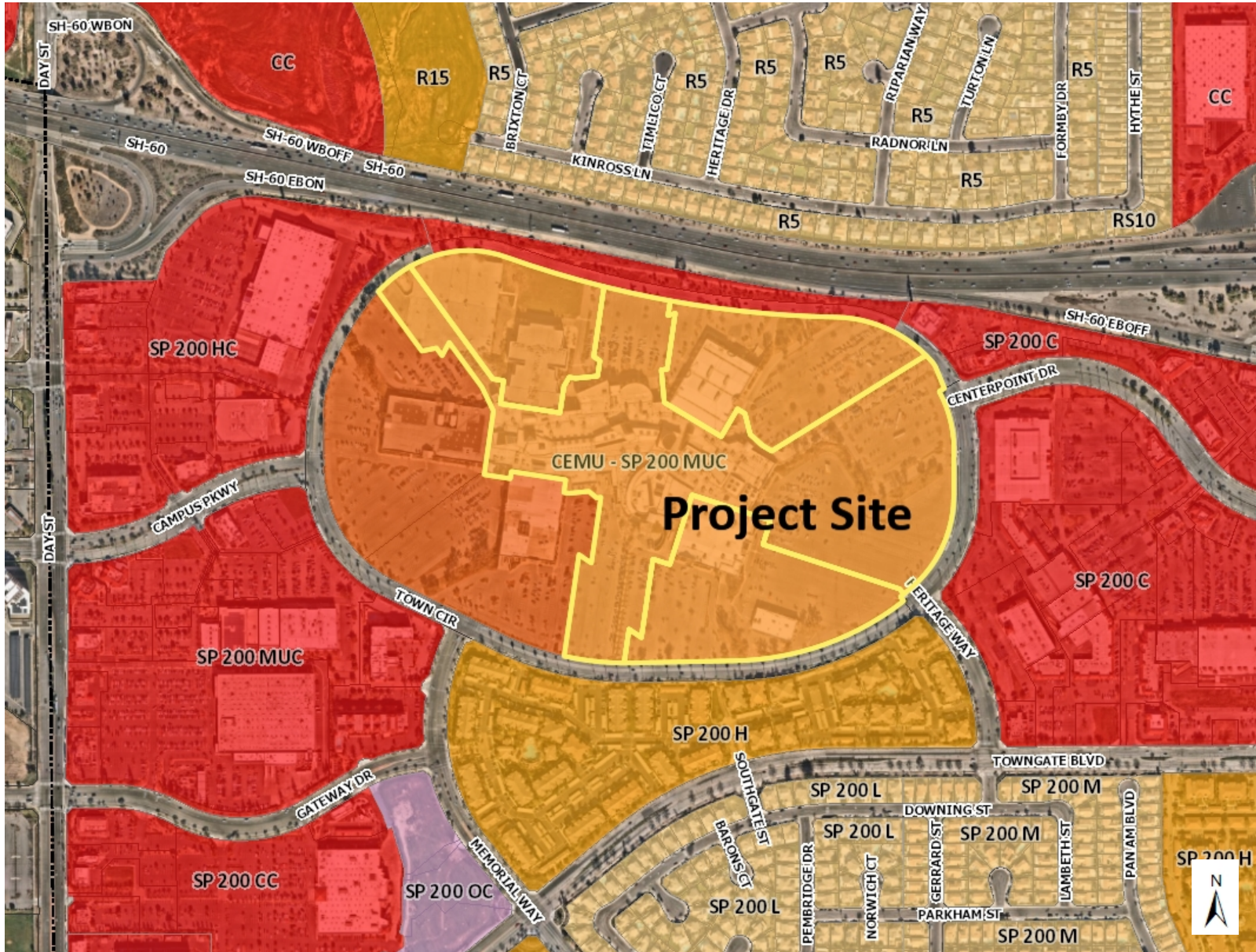
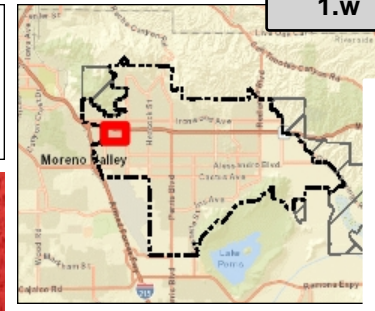


PREPARED BY:
PBLA SURVEYING, INC.
 Planning • Engineering • Surveying
 981 CORPORATE CENTER DR., STE. 168
 POMONA, CALIF. 91768
 (888) 714-9642 • (714)389-9191 FAX

DATE	BY	REVISION	APP'D
03/15/2022	DH	FIRST RELEASE	PW
03/18/2022	DH	SECOND RELEASE	PW
07/19/2022	DH	THIRD RELEASE - PARCEL RE-ALIGNMENT	PW

JOB NO.
5001-547

Zoning Map



Legend

Zoning

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

Master Plan of Trails

- Bridge
- Improved
- Multiuse
- Proposed
- Regional
- State

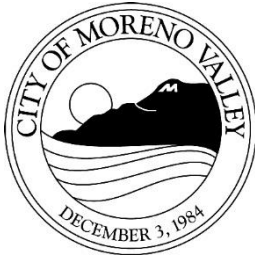
Road Labels

- Parcels
- Image Source: Nearmap

Notes:

1,261.9 0 630.96 1,261.9 Feet

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



PLANNING COMMISSION

STAFF REPORT

Meeting Date: April 27, 2023

PLOT PLAN FOR A 96-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT;
FLAMINGO BAY APARTMENTS (PEN22-0029)

Case: Plot Plan (PEN22-0029)

Applicant: Empire Construction Management, Inc.

Property Owner: FB Flamingo Bay MV, LLC

Representative: Deborah Hull, Empire Construction Management, Inc.

Project Site: South of Alessandro Boulevard, west of Lasselle Street, and north of Copper Cove Lane (APNs: 484-030-013 & 484-030-026)

Case Planner: Gabriel Diaz

Council District: 3

Proposed Project: A Plot Plan for a 96-unit apartment complex, on an approximately 4.07-acre site.

CEQA: Adopt Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

SUMMARY

Empire Construction Management, Inc. (“Applicant”) submitted an application for approval of a Plot Plan for a 96-unit apartment complex development on approximately 4.07 gross acres of land located South of Alessandro Boulevard, west of Lasselle Street, and north of Copper Cove Lane within the Corridor Mixed Use (COMU) District (“Proposed Project”). The Proposed Project, as designed and conditioned, is consistent with the goals, policies, and objectives of the City’s General Plan, as well as, the requirements of the Corridor Mixed Use (COMU) District and the City’s Municipal Code.

PROJECT DESCRIPTION

The Proposed Project consists of a Plot Plan for a 96-unit apartment complex that will consist of four separate buildings providing 48 one-bedroom apartments and 48 two-bedroom apartments. The Proposed Project also provides a 2,588-square-foot clubhouse with an outdoor pool, dog park, and TOT Lot. The Proposed Project is a permitted use within the Corridor Mixed Use (COMU) District.

Site and Surrounding Area

The Project Site is approximately 4.07 gross acres, located south of Alessandro Boulevard, west of Lasselle Street, and north of Copper Cove Lane. The parcels directly to the north and south of the Project Site are existing single-family homes within the Residential 5 (R5) and Residential 10 (RS10) Districts. Parcels west of the Project Site are a mix of vacant parcels and single-family homes within the Corridor Mixed Use (COMU) District. To the east of the Project Site is an existing religious facility within the Corridor Mixed Use (COMU) District.

Access/Parking

The Proposed Project's main access would be from Alessandro Boulevard on the northern perimeter of the Project Site. Secondary access for the Proposed Project would be from Copper Cove Lane on the south perimeter of the Project Site.

The Proposed Project would provide 171 parking spaces consisting of 96 covered parking spaces and 75 uncovered parking spaces, consistent with Municipal Code requirements.

Design/Landscaping

The Proposed Project would develop a 96-unit apartment complex consisting of four separate three-story buildings providing a total of 48 one-bedroom apartments and 48 two-bedroom apartments. The one-bedroom floor plans have a living area of 795 square feet, and the two-bedroom floor plans of 1,050 square feet.

The proposed elevations present a Spanish-influenced architectural style. The apartments include plaster exteriors with architectural features around windows and patio and balcony areas to break up the massing and add focal points to the buildings. These detailed features include concrete tile roofs, wrought iron guardrails, and covered balconies.

On-site amenities provided for future residents include a community clubhouse building with a fitness room, reception room, leasing office, mailroom, dog wash, restrooms, and open-air lanai. Other amenities include a pool, spa, cabanas, dog wash station, a covered grill area, and a tot lot located near the center of the Project Site.

This Proposed Project, as designed, conforms to all development standards of the Corridor Mixed Use (COMU) District and the design guidelines for multifamily residential developments prescribed in the City's Municipal Code and City Landscape Standards.

REVIEW PROCESS

As part of the standard review process, all appropriate outside agencies have considered the Proposed Project. The Proposed Project was reviewed by the Project Review Staff Committee as required by the Municipal Code. Following subsequent revisions and reviews by staff, the Proposed Project was determined to be complete.

ENVIRONMENTAL

An Initial Study was prepared by RECON Environmental, Inc. in compliance with the California Environmental Quality Act (CEQA) and its guidelines. The Initial Study examined the potential impacts of the Proposed Project on the environment. The Initial Study/Mitigated Negative Declaration (IS/MND) serves as the appropriate CEQA documentation for the Proposed Project. With the implementation of the proposed mitigation measures, the Proposed Project will not have a significant effect on the environment. Technical studies prepared in support of the IS/MND include the following: Air Quality Analysis, Biological Resources Letter Report, Habitat Assessment and Burrowing Owl Focused Survey, Burrowing Owl Focused Survey Results, Archaeological Survey Report, Preliminary Geotechnical Investigation, Greenhouse Gas Analysis, Phase I Environmental Site Assessment, Preliminary Project Specific Water Quality Management Plan, Preliminary Drainage Report, Noise Analysis, and Traffic Scoping Focused Agreement. Copies of the appendices to the IS/MND can be accessed from the link attached to this staff report. The documents can be reviewed at City Hall during operating hours.

Mitigation measures are recommended for the Proposed Project in the following areas: Biological Resources and Tribal Cultural Resources, all of which are incorporated into the Mitigation Monitoring and Report Program (MMRP). The measures for cultural resources have been included to address input from the Tribal governments. The measures are intended to ensure that potential resources that might be discovered are protected. However, these measures are not required to address a known significant impact. Based on the Initial Study and with the implementation of the proposed mitigation measures, the Proposed Project will not cause any significant impacts to the environment.

The public comment period for the Notice of Availability of the Initial Study/Mitigated Negative Declaration began on March 31, 2023, and ended on April 20, 2023, (State Clearing House Number 2023030777) which satisfies the required 20-day review period required for this project. As of the preparation of this staff report, no comments have been received. Written comments received after the preparation of this staff report will be provided at the public hearing.

NOTIFICATION

Consistent with the City Municipal Code provisions, public notice was sent to all property owners of record within 600 feet of the Project Site, posted on the Project Site, and published in the Press Enterprise Newspaper. As of the preparation of this staff report, no public comments have been received regarding the proposed project.

REVIEW AGENCY COMMENTS

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

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

- A. That the Planning Commission **ADOPT** Resolution No. 2023-13, attached hereto, and thereby:
1. **ADOPTING** the Initial Study/Mitigated Negative Declaration prepared for Plot Plan (PEN22-0029) on file with the Community Development Department, incorporated herein by this reference, which was completed in compliance with CEQA and the CEQA Guidelines, and reflects that the Planning Commission reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration, and exercised its independent judgment and analysis of the Proposed Project's potential environmental impacts; and
 2. **ADOPTING** the Mitigation Monitoring and Reporting Program prepared for the Proposed Project, which consists of Plot Plan (PEN22-0029) pursuant to CEQA and the CEQA Guidelines.
- B. That the Planning Commission **ADOPT** Resolution No. 2023-14, attached hereto, and thereby:
1. **APPROVING** the Plot Plan (PEN22-0029) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2023-14.

Prepared by:
Gabriel Diaz
Associate Planner

Approved by:
Sean P. Kelleher
Acting Community Development Director

ATTACHMENTS

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

1. Resolution No. 2023-13 IS/MND
2. Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program
3. Appendix_A Air Quality Analysis
4. Appendix_B_Biological Resources
5. Appendix_C_Habitat Assessment and BW
6. Appendix_D_Burrowing Owl
7. Appendix_E_Archaeological Survey

8. Appendix_F_Preliminary Geotechnical
9. Appendix_G_Greenhouse Gas Analysis
10. Appendix_H_Phase I Environmental
11. Appendix_I_PWQMP
12. Appendix_J_Preliminary Drainage
13. Appendix_K_Noise Analysis
14. Appendix_L_Traffic Scoping Agreement
15. Exhibit B to Resolution No. 2023-13 Notice of Intent to Adopt a Mitigated Negative Declaration
16. Resolution No. 2023-14 Plot Plan
17. Exhibit A to Resolution 2023-14 Conditions of Approval
18. Project Plans
19. Zoning Map

RESOLUTION NUMBER 2023-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FLAMINGO BAY APARTMENT COMPLEX PLOT PLAN (PEN22-0029) LOCATED SOUTH OF ALESSANDRO BOULEVARD, WEST OF LASSELLE STREET, AND NORTH OF COPPER COVE LANE (APNS: 484-030-013 & 484-030-026)

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

WHEREAS, Empire Construction Management, Inc. (“Applicant”) has submitted an application for a Plot Plan (PEN22-0029) for a 96-unit apartment complex with associated amenities and public improvements (“Proposed Project”) located south of Alessandro Boulevard, west of Lasselle Street, and north of Copper Cove Lane (APNs: 484-030-013 & 484-030-026) (“Project Site”); and

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

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration was duly noticed and circulated for public review for a period of 20 days commencing on March 31, 2023, through April 20, 2023; and

WHEREAS, in compliance with CEQA and the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (“MMRP”), which is a program for monitoring and reporting on the Proposed Project’s mitigation measures was prepared for the Proposed Project and circulated with the MND; and

WHEREAS, on April 27, 2023, a duly noticed public hearing was conducted by the Planning Commission to consider the approval of the Proposed Project’s MND and MMRP and approval of the Proposed Project; and

WHEREAS, at the conclusion of the public hearing, in the exercise of its own independent judgment, the Planning Commission determined that the MND and the

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

MMRP prepared for the Proposed Project has reduced the potential impact of the Proposed Project to levels of insignificance and there is no substantial evidence supporting a fair argument that the Proposed Project will significantly affect the environment in a manner that otherwise would require the preparation and certification of an Environmental Impact Report.

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

Section 1. Recitals and Exhibits

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

Section 2. Evidence

That the Planning Commission has considered all of the evidence submitted into the Administrative Record for the MND and MMRP, including, but not limited to, the following:

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

Section 3. Findings

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

- (a) That all environmental impacts of the Proposed Project, with the mitigation measures set forth in the MMRP, have been reduced to levels of insignificance and there is no substantial evidence supporting a fair argument that the Proposed Project will have a significant effect on the environment that would otherwise require the preparation and certification of an Environmental Impact Report;
- (b) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been completed in compliance with CEQA and the CEQA Guidelines and are consistent with the City's Rules and Procedures for the Implementation of the California Environmental Quality Act;

- (c) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program represent the independent judgment and analysis of the Planning Commission and the City as the lead agency for the Proposed Project; and
- (d) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are adequate to serve as the required CEQA environmental documentation for the Proposed Project.

Section 4. Adoption

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

Section 5. Repeal of Conflicting Provisions

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

Section 6. Severability

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

Section 7. Effective Date

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

Section 8. Certification

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

PASSED AND ADOPTED THIS 27th DAY OF APRIL, 2023.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin DeJohnette,
Chairperson

ATTEST:

Sean Kelleher,
Acting Community Development Director

APPROVED AS TO FORM:

Steven B. Quintanilla,
Interim City Attorney

Exhibits:

Exhibit A: Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Exhibit B: Notice of Intent to Adopt a Mitigated Negative Declaration

Attachment: Resolution No. 2023-13 IS/MND [Revision 4] (6212 : PEN22-0029 Flaming Bay Apartment)

Exhibit A

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION
MONITORING AND REPORTING PROGRAM**

Attachment: Resolution No. 2023-13 IS/MND [Revision 4] (6212 : PEN22-0029 Flaming Bay Apartment)

Exhibit B

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Attachment: Resolution No. 2023-13 IS/MND [Revision 4] (6212 : PEN22-0029 Flaming Bay Apartment)



Draft Initial Study/
Mitigated Negative Declaration
Flamingo Bay Apartments Project
(PEN22-0029)
Moreno Valley, California

Prepared for
Empire Construction Management, Inc.
2280 Wardlow Circle, Suite 250
Corona, CA 92878

Prepared by
RECON Environmental, Inc.
3111 Camino del Rio North, Suite 600
San Diego, CA 92108
P 619.308.9333

March 29, 2023



MITIGATED NEGATIVE DECLARATION Flamingo Bay Apartments Project

Project Description:

The Flamingo Bay Apartments Project (project) would develop a 96-unit apartment complex that would consist of four separate buildings, providing a total of 48 one-bedroom apartments and 48 two-bedroom apartments. The total floor area of all the units within the four apartment buildings would equal 98,290 square feet. The project would also provide a 2,588-square-foot clubhouse with an outdoor pool. The project would provide a total of 171 parking spaces consisting of 149 assigned parking spaces and 22 unassigned parking spaces, including 6 Americans with Disabilities Act-compliant parking spaces and 18 electrical vehicle parking spaces wired for future installation of charging equipment. Access to the project site would be provided via a new driveway connection to Alessandro Boulevard in the northeastern corner of the project site. A new gated emergency access driveway connection to Copper Cove Lane would be provided in the southeastern corner of the project site. The project would also make the following off-site improvements:

- Widen Alessandro Boulevard at the project frontage to the ultimate width on the southern half (67 feet from centerline to right-of-way) and provide two eastbound lanes.
- Widen Copper Cove at the project frontage to the ultimate width on the northern half (30 feet from centerline to right-of-way) and provide one westbound lane.

These off-site improvements would total 0.21 acre, which would increase the total project area to 4.07 acres.

Project Location:

The project is located in the central portion of the city of Moreno Valley, California, approximately 4.2 miles east of Interstate 215. The project is located within Section 17, Township 3 South, Range 3 West of the U.S. Geological Survey 7.5-minute topographic map, Sunnymead quadrangle. The 3.86-acre project site is located on Assessor's Parcel Numbers 484-030-026 and 484-030-013, bounded by Alessandro Boulevard to the north and Copper Cove Lane to the south. The project site is currently undeveloped. Attachment 1 shows the project location.

Project Proponent:

Empire Construction Management, Inc.
2280 Wardlow Circle, Suite 250
Corona, CA 92878



MITIGATED NEGATIVE DECLARATION

Flamingo Bay Apartments Project

Findings:

It is hereby determined that, based on the information contained in the attached Initial Study, the project would not have a significant adverse effect on the environment.

Mitigation Measures:

No.	Mitigation Measure
MM-BIO-1	<p>Due to the presence of suitable burrows and prey species identified on-site, prior to project construction, 30-day preconstruction surveys following the protocol established in the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) Area shall be conducted in accordance with the requirements of the MSHCP (Western Riverside County Regional Conservation Authority [WRCRCA] 2006). Take of active nests shall be avoided. If burrowing owls are detected, the WRCRCA, and California Department of Fish and Wildlife (CDFW) shall be notified in 48 hours. A burrowing owl relocation plan for active or passive relocation will be required to be developed and is subject to review and approval by WRCRCA and CDFW.</p> <p><i>Migratory and Nesting Birds</i></p> <p>The California horned lark is a CDFW watch list species and a covered species under the MSHCP. This species has a high potential to nest and forage within the project area due to the presence of disturbed habitat with suitable openings for nesting. Direct impacts to nesting and migratory birds, including California horned lark, could potentially occur if vegetation removal or grading within the project impact footprint occur during the general avian breeding season (February 1 to September 15). These species are protected by the California Fish and Game Code Section 3503.5, and direct impacts to nesting individuals would be considered significant and require mitigation (Impact BIO-2). Implementation of mitigation measure MM-BIO-2 would reduce impacts to a level less than significant.</p>

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flamingo Bay Apartment)



MITIGATED NEGATIVE DECLARATION

Flamingo Bay Apartments Project

MM-BIO-2	<p>To remain in compliance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3503.5, no direct impacts shall occur to any nesting birds, their eggs, chicks, or nests. If vegetation removal activities were to occur during the bird breeding season of February 1 to September 15, a qualified biologist will conduct pre-construction surveys no more than three days prior to the commencement of project activities to identify locations of nests. If nests or breeding activities are located in the project area, a qualified biologist shall establish a clearly marked appropriate exclusionary buffer or other avoidance and minimization measures around the nest. Avoidance and minimization measures shall be maintained until the young have fledged and no further nesting is detected. If no nesting birds are detected during the pre-construction survey, no further measures are required.</p> <p><i>Stephens' Kangaroo Rat</i></p> <p>The Stephens' kangaroo rat is federally listed as threatened, state listed as threatened, and an MSHCP covered species. This species has a moderate potential to occur due to the presence of grassland and open areas. In 1996, USFWS approved the Stephens' Kangaroo Rat Habitat Conservation Plan (HCP) and granted an incidental take permit for Riverside County covering an estimated 30,000 acres of occupied habitat within the following eight member cities: Perris, Temecula, Murrieta, Lake Elsinore, Corona, Riverside, Moreno Valley, and Hemet (Riverside County Habitat Conservation Agency [RCHCA] 1996). The Stephens' kangaroo rat HCP authorizes the incidental take of half of the occupied habitat remaining in the HCP plan area while using development fees to implement the plan, purchase private property, and create a reserve system. The Stephens' Kangaroo Rat HCP and corresponding permits are in effect for areas covered by the MSHCP; however, the Stephens' Kangaroo Rat HCP and the MSHCP remain separate. The Stephens' Kangaroo Rat fee areas are subject to mandatory conservation measures as outlined in the Stephens' Kangaroo Rat HCP (RCHCA 1996) and as subsequently modified. The entire 4.07-acre project area is not part of a Stephens' kangaroo rat core reserve, and therefore would not require focused Stephens' kangaroo rat surveys (RCHCA 1996). However, the project site is located within the Stephens' kangaroo rat fee area, which is considered a significant impact (Impact BIO-3). Implementation of mitigation measure MM-BIO-3 would reduce impacts to a level less than significant.</p>
----------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flamingo Bay Apartment)



MITIGATED NEGATIVE DECLARATION

Flamingo Bay Apartments Project

2.b

MM-BIO-3	<p>Prior to the issuance of a development permit, the applicant shall pay an impact and mitigation fee of \$500 per gross acre for impacts to 4.07 acres within the Stephens' Kangaroo Rat fee area. This mitigation fee is intended to include all impacts located within the parcel to be developed and the area disturbed by related off-site improvements.</p>
MM-TCR-1	<p>Prior to the issuance of a grading permit, the applicant shall retain a professional archaeologist to conduct monitoring of all ground disturbing activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s) including the Pechanga Band of Luiseño Indians, the Contractor, and the City of Moreno Valley (City), shall develop a Cultural Resource Monitoring Plan (CRMP) as defined in MM-TCR-3. The Project Archeologist shall attend the pre-grading meeting with the City, the Construction Manager, and any contractors, and will conduct a mandatory Cultural Resources Worker Sensitivity Training for those in attendance. The Archaeological Monitor shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed.</p>
MM-TCR-2	<p>Prior to the issuance of a grading permit, the Developer shall secure agreements with the Pechanga Band of Luiseño Indians for tribal monitoring. The City is also required to provide a minimum of 30 days' advance notice to the tribes of all ground disturbing activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, the City, the Construction Manager, and any contractors, and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.</p>

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flamingo Bay Apartment)

MITIGATED NEGATIVE DECLARATION

Flamingo Bay Apartments Project

MM-TCR-3	<p>The Project Archaeologist, in consultation with the Consulting Tribe(s), the Contractor, and the City, shall develop a CRMP in consultation pursuant to the definition in Assembly Bill (AB) 52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A Consulting Tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the project, has not opted out of the AB 52 consultation process, and has completed AB 52 consultation with the City as provided for in California Public Resources Code Section 21080.3.2(b)(1) of AB 52. Details in the CRMP shall include:</p> <ol style="list-style-type: none"> a. Project description and location; b. Project grading and development scheduling; c. Roles and responsibilities of individuals on the project; d. The pre-grading meeting and Cultural Resources Worker Sensitivity Training details; e. The protocols and stipulations that the contractor, City, Consulting Tribe(s), and Project Archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation; f. The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items; g. Contact information of relevant individuals for the project.
----------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

MITIGATED NEGATIVE DECLARATION

Flamingo Bay Apartments Project

MM-TCR-4	<p>In the event that Native American cultural resources are discovered during the course of ground disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <ul style="list-style-type: none"> a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department: <ul style="list-style-type: none"> i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources. ii. On-site reburial of the discovered items as detailed in the treatment plan required pursuant to MM-TCR-1. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments as defined in MM-TCR-3 The location for the future reburial area shall be identified on a confidential exhibit on file with the City, and concurred to by the Consulting Native American Tribal Governments prior to certification of the environmental document.
MM-TCR-5	<p>The City shall verify that the following note is included on the Grading Plan:</p> <p style="padding-left: 40px;">If any suspected archaeological resources are discovered during ground–disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find.</p>

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flamingo Bay Apartment)



MITIGATED NEGATIVE DECLARATION

Flamingo Bay Apartments Project

MM-TCR-6	<p>If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 Code of Federal Regulations 61), Tribal Representatives, and all site monitors per the mitigation measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional archeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer and any and all Consulting Native American Tribes as defined in MM-TCR-2 before any further work commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in consultation with the tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.</p>
MM-TCR-7	<p>If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California NAHC shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the "most likely descendant." The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98) (General Plan Objective 23.3, CEQA).</p>

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flamingo Bay Apartment)



MITIGATED NEGATIVE DECLARATION

Flamingo Bay Apartments Project

MM-TCR-8	<p>It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).</p>
MM-TCR-9	<p>Prior to final inspection, the developer/permit holder shall prompt the Project Archeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center at the University of California Riverside, and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).</p>

Attachments:

1. Location Map
2. Initial Study and Mitigation, Monitoring, and Reporting Program

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flamingo Bay Apartment)



MITIGATED NEGATIVE DECLARATION Flamingo Bay Apartments Project

2.b

ATTACHMENT 1

Location Map

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flamingo Bay Apartment)

Image Source: NearMap (flown January 2023)



- Project Boundary
- Off-site Improvement Area

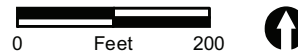


FIGURE 1
Project Location



MITIGATED NEGATIVE DECLARATION Flamingo Bay Apartments Project

2.b

ATTACHMENT 2

Initial Study and Mitigation, Monitoring, and Reporting Program

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flamingo Bay Apartment)



Draft Initial Study/
Mitigated Negative Declaration
Flamingo Bay Apartments Project
(PEN22-0029)
Moreno Valley, California

Prepared for
Empire Construction Management, Inc.
2280 Wardlow Circle, Suite 250
Corona, CA 92878

Prepared by
RECON Environmental, Inc.
3111 Camino del Rio North, Suite 600
San Diego, CA 92108
P 619.308.9333

March 29, 2023

TABLE OF CONTENTS

1.0 Introduction 1

2.0 Project Description 2

3.0 Draft Mitigated Negative Declaration 9

4.0 Initial Study Checklist 10

 4.1 Aesthetics 11

 4.2 Agriculture and Forestry Resources 13

 4.3 Air Quality 14

 4.4 Biological Resources 21

 4.5 Cultural Resources 28

 4.6 Energy 31

 4.7 Geology and Soils 34

 4.8 Greenhouse Gas Emissions 37

 4.9 Hazards and Hazardous Materials 45

 4.10 Hydrology and Water Quality 48

 4.11 Land Use and Planning 52

 4.12 Mineral Resources 53

 4.13 Noise 54

 4.14 Population and Housing 65

 4.15 Public Services 66

 4.16 Recreation 68

 4.17 Transportation/Traffic 69

 4.18 Tribal Cultural Resources 71

 4.19 Utilities and Service Systems 76

 4.20 Wildfire 79

 4.21 Mandatory Findings of Significance 81

5.0 Mitigation, Monitoring, and Reporting Program 84

6.0 Preparers 89

7.0 Sources Consulted 89

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flaming Bay Apartment)

TABLE OF CONTENTS (cont.)

FIGURES

1:	Regional Location	3
2:	Project Location on USGS Map	4
3:	Project Location on Aerial Photograph	5
4:	Site Plan.....	7
5:	Impacts to Biological Resources.....	23
6:	Noise Measurement Locations	55
7:	Construction Noise Contours.....	58
8:	Vehicle Traffic Noise Contours	60
9:	HVAC Noise Contours	63

TABLES

1:	Maximum Daily Construction Emissions.....	16
2:	Summary of Project Operational Emissions	17
3:	Localized Construction Emissions.....	18
4:	Localized Operations Emissions	18
5:	Vegetation Communities/Land Cover Types within the Project Area	24
6:	Project Impacts to Vegetation Communities and Land Cover Types within the Project Boundary.....	24
7:	Operational Electricity and Natural Gas Use	33
8:	Project Consistency with Moreno Valley Climate Action Plan	38
9:	Construction GHG Emissions.....	41
10:	Project GHG Emissions	41
11:	Project Consistency with Connect SoCal Strategies	43
12:	Noise Measurements	56
13:	Typical Construction Equipment Noise Levels	56
14:	Construction Noise Levels at Off-site Receivers	57
15:	On-Site Vehicle Traffic Noise Levels	61
16:	Typical Construction Equipment Noise Levels	62
17:	HVAC Noise Levels at Adjacent Property Lines	64
18:	VMT Screening Assessment: Assessor's Parcel Number 484-030-026.....	70
19:	VMT Screening Assessment: Assessor's Parcel Number 484-030-013.....	70
20:	Mitigation, Monitoring, and Reporting Program.....	84

TABLE OF CONTENTS (cont.)

APPENDICES

- A: Air Quality Analysis, RECON Environmental, Inc., January 24, 2023.
- B: Biological Resources Letter Report, RECON Environmental, Inc., January 24, 2023.
- C: Habitat Assessment and Burrowing Owl Focused Survey Results, RECON Environmental, Inc., January 24, 2023.
- D: Burrowing Owl Focused Survey Results, RECON Environmental, Inc., January 24, 2023
- E: Archaeological Survey Report, RECON Environmental, Inc., January 24, 2023.
- F: Preliminary Geotechnical Investigation for Foundation Design, Geo Environ, May 17, 2021.
- G: Greenhouse Gas Analysis, RECON Environmental, Inc., January 24, 2023.
- H: Phase I Environmental Site Assessment, Geo Environ, May 17, 2021.
- I: Project Specific Water Quality Management Plan, Proactive Engineering Consultants, October 12, 2022.
- J: Preliminary Drainage Report, Proactive Engineering Consultants, October 12, 2022.
- K: Noise Analysis, RECON Environmental, Inc., January 24, 2023.
- L: Traffic Scoping Agreement, K2 Traffic Engineering, Inc., September 22, 2022.

1.0 Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared in accordance with relevant provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and the CEQA Guidelines, as revised. This IS/MND evaluates the environmental effects of the proposed Flamingo Bay Apartments Project (project).

The IS/MND includes the following components:

1. A Draft MND and the formal findings made by the City of Moreno Valley (City) that the project would not result in any significant effects on the environment, as identified in the CEQA IS Checklist.
2. A detailed project description.
3. The CEQA IS Checklist, which provides standards to evaluate the potential for significant environmental impacts from the project and is adapted from Appendix G of the CEQA Guidelines. The project is evaluated in 21 environmental issue categories to determine whether the project's environmental impacts may be significant in any category. Brief discussions are provided that further substantiate the project's anticipated environmental impacts in each category.

Because the project fits into the definition of a "project" under Public Resources Code Section 21065 requiring discretionary approvals by the City, and because it could result in a significant effect on the environment, the project is subject to CEQA review. The IS Checklist was prepared to determine the appropriate environmental document to satisfy CEQA requirements: an Environmental Impact Report (EIR), a Mitigated Negative Declaration (MND), or a Negative Declaration (ND). The analysis in this IS Checklist supports the conclusion that the project may result in significant environmental impacts, but (1) revisions in the project plans or proposals made by or agreed to by the applicant before a proposed MND and IS are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and (2) there is no substantial evidence, in light of the whole record before the City, that the project as revised may have a significant effect on the environment; therefore, an MND has been prepared.

This IS/MND will be circulated for 20 days for public and agency review, during which time individuals and agencies may submit comments on the adequacy of the environmental review. Following the public review period, the City's Planning Commission and City Council will consider any comments received on the IS/MND when deciding whether to adopt the MND.

2.0 Project Description

1. Project Name:

Flamingo Bay Apartments Project (PEN22-0029)

2. Lead Agency:

City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

3. Contact Person and Phone Number:

Gabriel Diaz
Associate Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553
(951) 413-3226
gabriel@moval.org

4. Project Location:

The Flamingo Bay Apartments Project (project) is located in the central portion of the city of Moreno Valley, California, approximately 4.2 miles east of Interstate 215 (Figure 1). The project is located within Section 17, Township 3 South, Range 3 West of the U.S. Geological Survey 7.5-minute topographic map, Sunnymead quadrangle (Figure 2). The 3.86-acre project site is located on Assessor's Parcel Numbers 484-030-026 and 484-030-013, bounded by Alessandro Boulevard to the north and Copper Cove Lane to the south. The project site is currently undeveloped. Figure 3 shows an aerial photograph of the project site and vicinity.

5. Project Applicant/Sponsor:

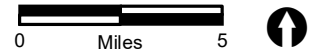
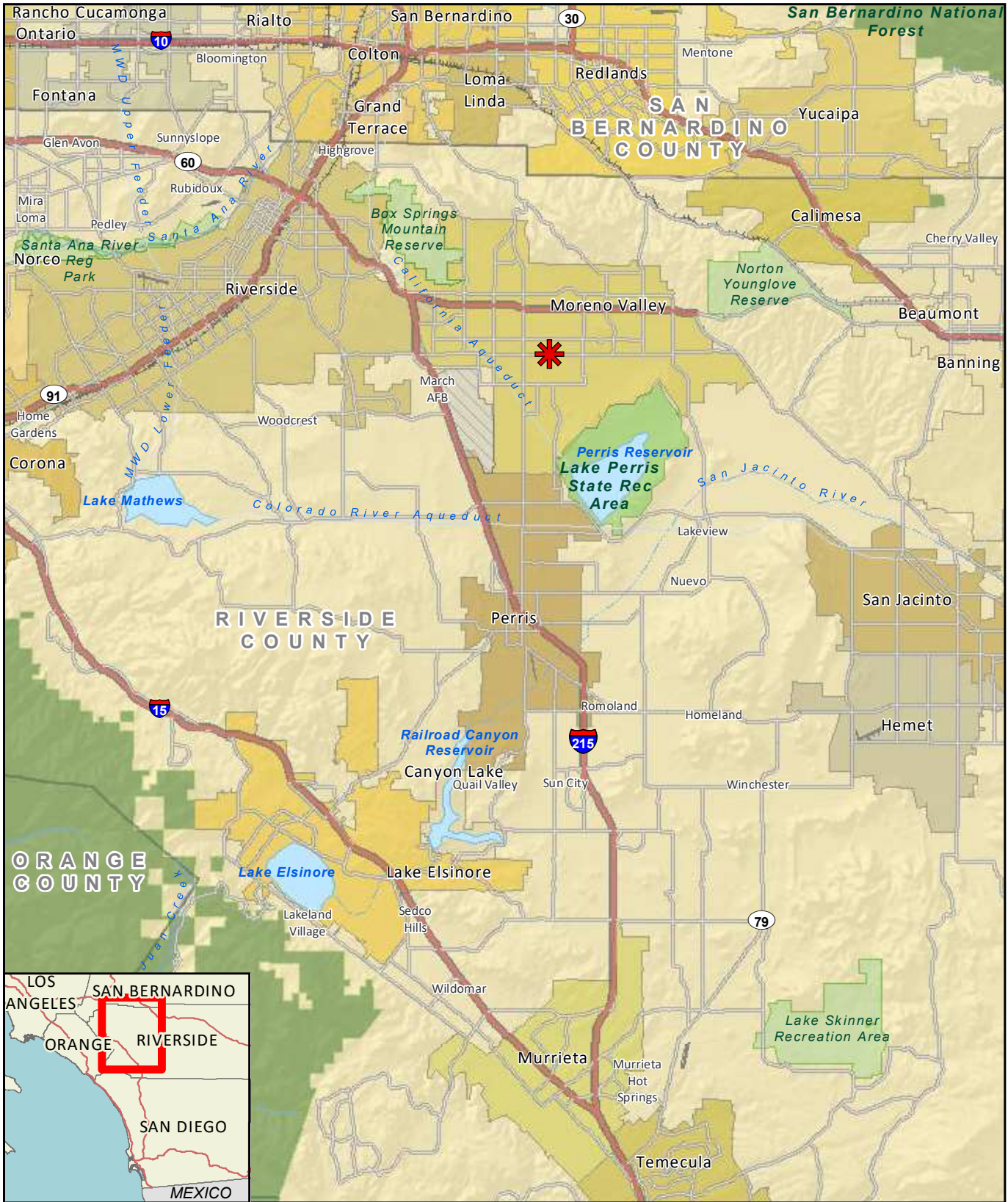
Empire Construction Management, Inc.
2280 Wardlow Circle, Suite 250
Corona, CA 92878

6. General Plan Designation:

Existing: Corridor Mixed Use (COMU)
Proposed: Corridor Mixed Use (COMU)

7. Zoning:

Existing: Corridor Mixed Use (COMU)
Proposed: Corridor Mixed Use (COMU)

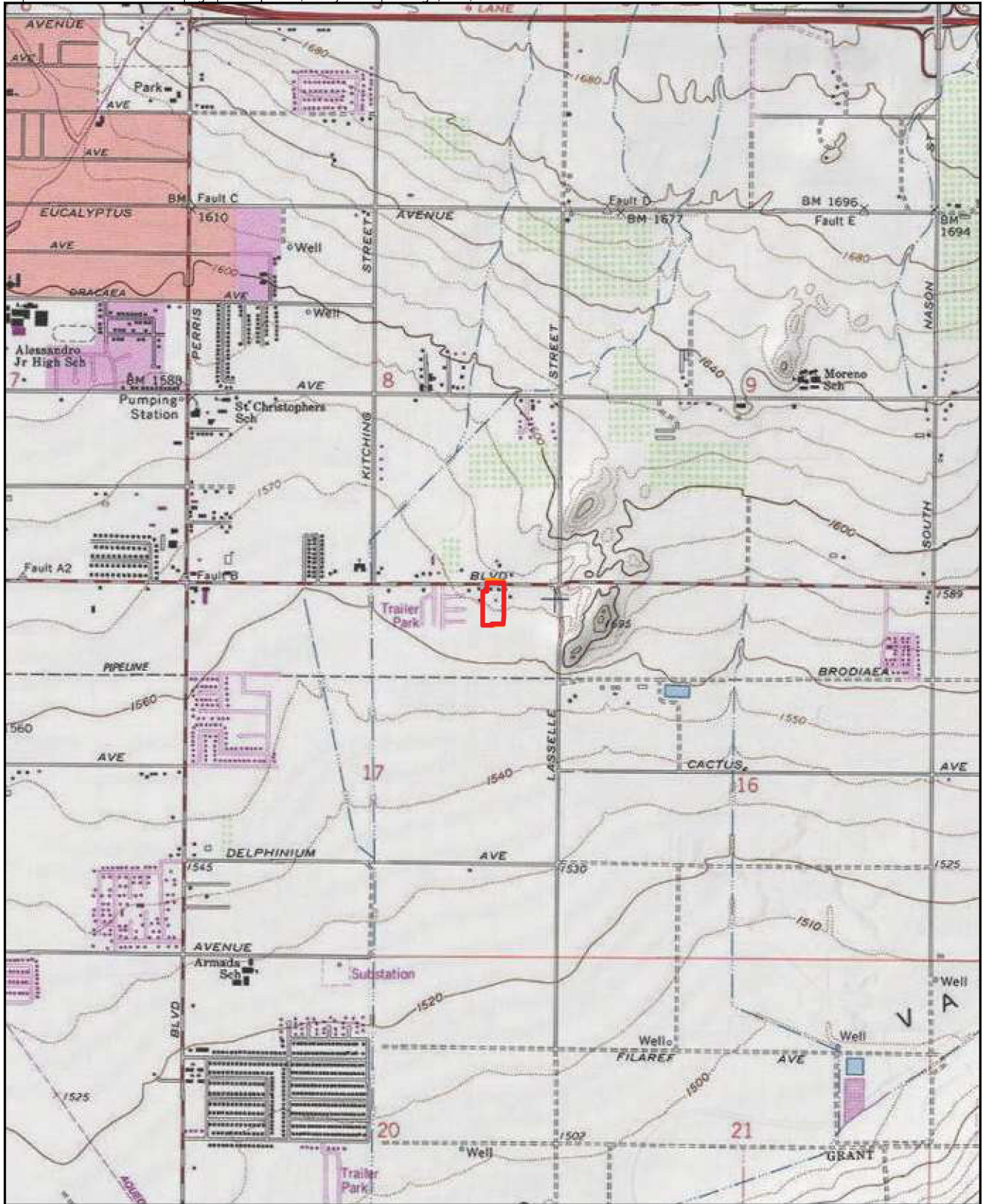


 Project Location

FIGURE 1
Regional Location

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flaming Bay Apartment)

Map Source: USGS 7.5 minute topographic map series, Sunnymead quadrangle, 1980, T03S R03W



- Project Boundary
- Off-site Improvement Area



FIGURE 2
Project Location on USGS Map

Image Source: NearMap (flown September 2022)



- Project Boundary
- Off-site Improvement Area

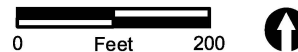


FIGURE 3
Project Location on Aerial Photograph

8. Description of Project:

The project would develop a 96-unit apartment complex that would consist of four separate buildings, providing a total of 48 one-bedroom apartments and 48 two-bedroom apartments. The total floor area of all the units within the four apartment buildings would equal 98,290 square feet. The project would also provide a 2,588-square-foot clubhouse with an outdoor pool. The project would provide a total of 171 parking spaces consisting of 149 assigned parking spaces and 22 unassigned parking spaces, including 6 Americans with Disabilities Act-compliant parking spaces and 18 electrical vehicle parking spaces wired for future installation of charging equipment. Access to the project site would be provided via a new driveway connection to Alessandro Boulevard in the northeastern corner of the project site. A new gated emergency access driveway connection to Copper Cove Lane would be provided in the southeastern corner of the project site. The project would also make the following off-site improvements:

- Widen Alessandro Boulevard at the project frontage to the ultimate width on the southern half (67 feet from centerline to right-of-way) and provide two eastbound lanes.
- Widen Copper Cove at the project frontage to the ultimate width on the northern half (30 feet from centerline to right-of-way) and provide one westbound lane.

These off-site improvements would total 0.21 acre, which would increase the total project area to 4.07 acres. Figure 4 shows the proposed site plan.

9. Surrounding Land Use(s) and Project Setting:

The project is located within an urbanizing environment that consists of a mix of developed and undeveloped land. Existing residential development is located to the north across Alessandro Boulevard and to the south across Copper Cove Lane. The Moreno Hills Seventh-day Adventist Church is located along the eastern project boundary, followed by an undeveloped property that is planned for residential development further east. A mix of existing residential development and undeveloped land is located to the west, followed by a mobile home park further west. Undeveloped land is located to the northeast and northwest.

10. Required Approvals:

- Plot Plan (PEN22-0029)

11. Other Required Agency Approvals or Permits Required:

None

12. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The City initiated consultation with California Native American tribes traditionally and culturally affiliated with the project area who have requested consultation consistent with the requirements of Assembly Bill 52. The City received responses from the following tribes:

1. Agua Caliente Band of Cahuilla Indians
2. Pechanga Band of Luiseño Indians
3. Rincon Band of Luiseño Indians
4. Yuhaaviatam of San Manuel Nation

The Agua Caliente Band of Cahuilla Indians, Pechanga Band of Luiseño Indians, and Rincon Band of Luiseño Indians requested consultation in order to evaluate the potential for the project to impact tribal cultural resources. The Yuhaaviatam of San Manuel Nation requested consultation as well, and also requested that in the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find shall cease and appropriate measures are implemented to assess the find. The Yuhaaviatam of San Manuel Nation also requested that the San Manuel Band of Mission Indians Cultural Resources Department be contacted about the inadvertent discovery and be provided information regarding the nature of the find, so they may provide tribal input with regards to significance and treatment.

13. Summary of Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|----------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

3.0 Draft Mitigated Negative Declaration

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
- I find that, although the proposed project might have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made, or agreed to, by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.
- I find that the proposed project might have a significant effect on the environment and/or deficiencies exist relative to the City's General Plan Quality of Life Standards, and the extent of the deficiency exceeds the levels identified in the City's Environmental Quality Regulations pursuant to Zoning Code Article 47, Section 33-924 (b), and an ENVIRONMENTAL IMPACT REPORT shall be required.
- I find that the proposed project might have a "potentially significant impact" or "potentially significant unless mitigated impact" on the environment, but at least one effect: (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT shall be required, but it shall analyze only the effects that remain to be addressed.
- I find that, although the proposed project might have a significant effect on the environment, no further documentation is necessary because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project.



Signature

3/29/23

Date of Draft MND

Gabriel Diaz, Associate Planner
City of Moreno Valley

Date of Final MND

4.0 Initial Study Checklist

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved. A “No Impact” answer should be explained where it is based on project specific factors as well as general standards.
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration. Section 15063(c)(3)(D).
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

4.1 Aesthetics

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:

a. No Impact

The Open Space and Resource Conservation Element of the City’s 2040 General Plan identifies scenic resources and designated view corridors in the city. Review of Map OSRC-3 of the City’s 2040 General Plan determined that the project site is not situated within any designated view corridors and would not substantially alter views from any designated view corridors (City of Moreno Valley 2021). Therefore, the project would not have a substantial adverse effect on a scenic vista. No impact would occur.

b. No Impact

There are no designated state scenic highways within the city. The closest eligible state scenic highway is State Route 74, which is located approximately 14 miles south of the city. As described in Section 4.5(a) below, no historic buildings are currently located on the project site. Furthermore,

there are no mature trees or rock outcroppings on the project site. Therefore, the project would not substantially damage any scenic resources within a state scenic highway. No impact would occur.

c. Less Than Significant Impact

The project would be consistent with the existing visual character of the surrounding urbanizing environment. The project would construct an apartment complex within a site surrounded by a mix of developed land and undeveloped land that is designated for future development. Existing residential development is located to the north across Alessandro Boulevard and to the south across Copper Cove Lane. The Moreno Hills Seventh-day Adventist Church is located along the eastern project boundary, followed by an undeveloped property that is planned for residential development further east. A mix of existing residential development and undeveloped land is located to the west, followed by a mobile home park further west. Undeveloped land is located to the northeast and northwest.

The project has been designed consistent with the design guidelines and development requirements of the Corridor Mixed Use (COMU) land use designation, as well as the applicable Corridor Mixed Use (COMU) zoning requirements of the City Municipal Code (MVMC). The project would also utilize landscaping that would enhance the visual quality of the project site and ensure that the project would visually blend with the visual character of the existing development surrounding the project site. Therefore, the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings and would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant.

d. Less Than Significant Impact

Project construction would be limited to daytime hours Monday through Friday and is not anticipated to require lighting. In the event that construction lighting is required, it would be properly shielded to avoid spillover effects. Once project construction is complete, any temporary lighting that was required would be removed. The project would introduce new sources of light and glare typical of residential uses. However, the project has been designed consistent with the applicable requirements of MVMC section 9.08.100, which provide standards for the reduction of light and glare associated with residential uses. Therefore, the project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area, and impacts would be less than significant.

4.2 Agriculture and Forestry Resources

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 1220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXPLANATIONS:

a. No Impact

The project site is undeveloped and is not used for agricultural production. The Department of Conservation "California Important Farmland Finder" classifies the project site as "other land" and surrounding properties as a mix of "urban and built up land" or "other land" (State of California Department of Conservation 2016). Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. No impact would occur.

b. No Impact

The City does not have any exclusive agricultural zones, and the project site and surrounding properties are not zoned for agricultural use. Review of Figure 4.2-2 of the City’s 2040 General Plan Final EIR determined that the project site and surrounding properties are not subject to a Williamson Act contract (City of Moreno Valley 2021). No impact would occur.

c. No Impact

The City does not have any zoning classifications for forestland, timberland, or timberland production zones. The project site does not contain any forest or timberland as defined by Public Resources Code Section 12220[g], Public Resources Code Section 4526, or Government Code Section 51104(g) and is not zoned as forest or timberland. No impact would occur.

d. No Impact

The project site does not contain any forest lands or timberland as defined by Public Resources Code Section 12220[g], Public Resources Code Section 4526, or Government Code Section 51104(g). No impact would occur.

e. No Impact

There are no agricultural uses or forestlands on-site or in the vicinity of the project site. Therefore, the project would not result in conversion of farmland or forest land. No impact would occur.

4.3 Air Quality

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:**a. Less Than Significant Impact**

RECON Environmental Inc. (RECON) prepared an Air Quality Analysis for the project (Appendix A). The project site is located within the South Coast Air Basin (SoCAB). The South Coast Air Quality Management District (SCAQMD) is the air pollution control agency in the SoCAB that is tasked with regulating emissions to ensure that air quality in the basin does not exceed National or California Ambient Air Quality Standards (NAAQS and CAAQS). NAAQS and CAAQS represent the maximum levels of background pollution considered safe, with an adequate margin of safety, to protect the public health and welfare. NAAQS and CAAQS have been established for six common pollutants of concern known as criteria pollutants, which include ozone (O₃), carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), lead, and respirable particulate matter (particulate matter less than 10 microns [PM₁₀] and less than 2.5 microns [PM_{2.5}]).

The portion of the SoCAB covering the project site is currently classified as a federal non-attainment area for ozone and PM_{2.5}, and a state non-attainment area for ozone, PM₁₀ and PM_{2.5}. The SCAQMD prepared the 2016 Air Quality Management Plan (2016 AQMP), which represents its contribution to the State Implementation Plan, to outline the SCAQMD's strategy for achieving attainment of federal and state Ambient Air Quality Standards (AAQS). The 2016 AQMP provides an overview of air quality and sources of air pollution, and identifies the pollution-control measures needed to meet clean air standards.

The growth forecasting for the 2016 AQMP is based in part on the land uses established by local general plans. Thus, if a project is consistent with land use as designated in the local general plan, it can normally be considered consistent with the 2016 AQMP. Projects that propose a different land use than is identified in the local general plan may also be considered consistent with the 2016 AQMP if the proposed land use is less intensive than buildout under the current designation. For projects that propose a land use that is more intensive than the current designation, analysis that is more detailed is required to assess conformance with the 2016 AQMP.

The project site is designated as Corridor Mixed Use (COMU) in the City's 2040 General Plan. This designation provides for a mix of housing with supporting retail and services that would cater to the daily needs of local residents. A mix of uses is not required on every site but is desired on sites at intersections to foster nodes of commercial mixed-use development along the corridor. The project would be consistent with the City's 2040 General Plan Corridor Mixed Use (COMU) land use designation.

However, the City's 2040 General Plan was adopted in 2021, prior to development the 2016 AQMP. Therefore, growth forecasting in the 2016 AQMP utilized the previous land use designation identified in the 2006 General Plan, which designated the project site as Residential/Office, which allowed for the establishment of areas for office-based working establishments or residential developments of up to 15 dwelling units per acre. Overall development intensity shall not exceed a floor area ratio of 1.0. Under the Residential/Office designation, a commercial office land use of up to 164,220 square feet on the 3.86-acre property would be allowed. Using a trip generation rate of 9.74 trips per 1,000 square feet for a general office building land use (California Air Pollution Control Officers Association [CAPCOA] 2022) it was calculated that a commercial office project would generate 1,600 daily trips,

which exceeds the 647 daily trips that would be generated by the project. Consequently, the project would generate fewer vehicle trips compared to a commercial office project developed under the 2006 General Plan designation, and thereby generate fewer emissions compared to what was assumed in the 2016 AQMP. Therefore, the project would not exceed the growth forecasting used to develop the 2016 AQMP, and impacts would be less than significant.

Another factor used to determine if a project would conflict with implementation of the 2016 AQMP is determining if the project would 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 (NAAQS and CAAQS) or interim emissions reductions specified in the 2016 AQMP. NAAQS and CAAQS violations could occur if project emissions would exceed regional significance thresholds or Localized Significance Thresholds (LSTs).

The SCAQMD has established significance thresholds to assess the regional and localized impacts of project-related air pollutant emissions. These significance thresholds are updated as needed to appropriately represent the most current technical information and attainment status in the SoCAB. The City uses the current SCAQMD thresholds to determine whether a project would have a significant impact. Construction and operation air emissions were calculated using California Emissions Estimator Model (CalEEMod) 2020.4.0 (CAPCOA 2021). The CalEEMod program is a tool used to estimate air emissions resulting from land development projects based on California-specific emission factors. The CalEEMod output files are presented in Appendix A, Attachment 1. Table 1 presents the total projected construction maximum daily emission levels for each criteria pollutant and compares emissions to the SCAQMD regional significance thresholds. As shown in Table 1, maximum daily construction emissions for each separate phase of construction of the project would be less than the daily SCAQMD regional thresholds for all criteria pollutants.

Table 1 Maximum Daily Construction Emissions						
Construction	Emissions (pounds per day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Site Preparation	3	28	19	<1	9	5
Grading	2	18	15	<1	4	2
Building Construction	2	15	19	<1	2	1
Paving	1	9	13	<1	1	<1
Architectural Coatings	36	1	2	<1	<1	<1
Maximum Daily Emissions¹	36	28	19	<1	9	5
<i>SCAQMD Significance Threshold</i>	<i>75</i>	<i>100</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
<i>Exceeds Threshold?</i>						
¹ Emissions were rounded to the nearest whole number. Emissions reported as <1 indicate that emissions were calculated to be less than 0.5 pound per day. NOTE: CalEEMod output files are presented in in Appendix A, Attachment 1.						

Table 2 presents the total projected operational emissions generated by the project. As shown in Table 2, project-generated emissions are projected to be less than the SCAQMD's regional thresholds for all criteria pollutants.

Source	Emissions					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Sources	2	<1	8	<1	<1	<1
Energy Sources	<1	<1	<1	<1	<1	<1
Mobile Sources	2	3	18	<1	5	1
Total	4	3	26	<1	5	1
<i>SCAQMD Significance Threshold</i>	<i>55</i>	<i>55</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
<i>Exceeds Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
NOTE: Totals may vary due to independent rounding. CalEEMod output files are presented in Appendix A, Attachment 1.						

The SCAQMD's Final LST Methodology was developed as a tool to assist lead agencies in analyzing localized air quality impacts to sensitive receptors in the vicinity of the project (SCAQMD 2008). The LST Methodology outlines how to analyze localized impacts from common pollutants of concern including NO₂, CO, PM₁₀, and PM_{2.5}. Localized air quality impacts would occur if pollutant concentrations at sensitive receptors exceeded applicable NAAQS or CAAQS.

LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable NAAQS or CAAQS at the nearest residence or sensitive receptor. The SCAQMD states that lead agencies can use the LSTs as another indicator of significance in its air quality impact analyses. The significance of localized emissions impacts depends on whether ambient levels in the vicinity of any given project are above or below state standards. In the case of CO and NO₂, if ambient levels are below the standards, a project is considered to have a significant impact if project emissions result in an exceedance of one or more of these standards. If ambient levels already exceed a state or federal standard, then project emissions are considered significant if they increase ambient concentrations by a measurable amount. This would apply to PM₁₀ and PM_{2.5}, both of which are non-attainment pollutants.

Table 3 presents the maximum daily localized emissions from project construction in comparison to the applicable LSTs. As shown in Table 3, the maximum localized construction emissions would not exceed any of the SCAQMD recommended localized screening thresholds.

Table 4 presents the maximum on-site emissions and applicable LSTs. As a conservative assessment, on-site emissions were evaluated against the most restrictive LSTs for a 1-acre project site with a sensitive receptor located 25 meters from the project boundary. As shown in Table 4, the maximum localized operational emissions would not exceed any of the SCAQMD recommended localized screening thresholds.

Table 3 Localized Construction Emissions				
	NO _x	CO	PM ₁₀	PM _{2.5}
Site Preparation (3.5 acres per day)				
Maximum On-site Daily Emission	27.5	18.2	8.9	5.1
<i>Localized Significance Threshold</i>	216.8	1,221.4	9.8	6.1
Exceeds Threshold?	No	No	No	No
Grading (3.0 acres per day)				
Maximum On-site Daily Emission	17.9	14.8	3.5	2.0
<i>Localized Significance Threshold</i>	198.3	1,101.0	8.7	5.4
Exceeds Threshold?	No	No	No	No
NOTE: CalEEMod output files are presented in in Appendix A, Attachment 1.				

Table 4 Localized Operations Emissions				
Operations	Pollutant (pounds per day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Area Sources	0.09	7.92	0.04	0.04
Energy Sources	0.35	0.15	0.03	0.03
Maximum On-Site Emissions	0.44	8.07	0.07	0.07
<i>Operations Localized Significance Threshold¹</i>	118	602	1	1
Exceeds Threshold?	No	No	No	No
¹ Emissions are assessed against the threshold for 1-acre project sites with sensitive receptors within 25 meters of the project site boundary.				
NOTE: CalEEMod output files are presented in in Appendix A, Attachment 1.				

Overall, the project would be consistent with the 2016 AQMP growth projects as contained in the State Implementation Plan and would not exceed SCAQMD thresholds related to construction or operational emissions. Therefore, the project would not conflict with or obstruct implementation of applicable air quality plans, and impacts would be less than significant.

b. Less Than Significant Impact

As discussed in Section 4.3(a) above, the SoCAB is designated as a nonattainment area for NAAQS for the 8-hour ozone and PM_{2.5} standards and is in nonattainment area under state PM₁₀ standards. Ozone is not emitted directly but is a result of atmospheric activity on precursors. NO_x and reactive organic gases (ROG) are known as the chief "precursors" of ozone. These compounds react in the presence of sunlight to produce ozone.

As discussed in Section 4.3(a) above, the SCAQMD has established significance thresholds to assess the regional and localized impacts of project-related air pollutant emissions. These significance thresholds are updated as needed to appropriately represent the most current technical information and attainment status in the SoCAB. The City uses the current SCAQMD thresholds to determine whether a project would have a significant impact.

As shown in Tables 1 and 2 above, emissions of ozone precursors (ROG and NO_x), PM₁₀, and PM_{2.5} from construction and operation would be below the SCAQMD's thresholds of significance. These

thresholds are designed to provide limits below which project emissions from an individual project would not significantly affect regional air quality or the timely attainment of the NAAQS and CAAQS. Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment, and impacts would be less than significant.

c. Less Than Significant Impact

A sensitive receptor is a person in the population who is more susceptible to health effects due to exposure to an air contaminant than is the population at large. Examples of sensitive receptor locations in the community include residences, schools, playgrounds, childcare centers, churches, athletic facilities, retirement homes, and long-term health care facilities. The nearest sensitive receptors to the project site are the residential uses located approximately 40 feet south of the southern project boundary and the church located approximately 70 feet east of the eastern project boundary.

Diesel Particulate Matter – Construction

Construction of the project would result in short-term diesel exhaust emissions from on-site heavy-duty equipment. Other construction-related sources of diesel particulate matter (DPM) include material delivery trucks and construction worker vehicles; however, these sources are minimal relative to construction equipment. Not all construction worker vehicles would be diesel-fueled and most DPM emissions associated with material delivery trucks and construction worker vehicles would occur off-site.

For purposes of analyzing construction-related toxic air contaminant emissions and their impact on sensitive receptors, the maximum annual PM₁₀ emissions from equipment exhaust were used to develop an average daily emission rate. The exhaust emissions were calculated by CalEEMod, and the maximum annual DPM concentration was calculated using AERSCREEN. AERSCREEN calculates a worst-case maximum 1-hour concentration at a specific distance and specific angle from the source. The maximum 1-hour concentration is then converted to an annual concentration using a 0.08 conversion factor (U.S. Environmental Protection Agency [U.S. EPA] 1992).

Once the dispersed concentrations of diesel particulates are estimated in the surrounding air, they are used to evaluate estimated exposure to people. Cancer risk is calculated by multiplying the daily inhalation or oral dose, by a cancer potency factor, the age sensitivity factor, the frequency of time spent at home and the exposure duration divided by averaging time, to yield the excess cancer risk. In this analysis, non-carcinogenic impacts are evaluated for chronic exposure inhalation exposure. Estimates of health impacts from non-carcinogenic concentrations are expressed as a hazard quotient (HQ) for individual substances, such as diesel particulate. An HQ of one or less indicates that adverse health effects are not expected to result from exposure to emissions of that substance.

Based on the CalEEMod calculations for project construction, the project would result in on-site maximum annual emissions of 0.0916 ton of PM₁₀ exhaust (see Appendix A). This maximum annual emissions rate was modeled over the entire 13-month construction period, and therefore is a conservative assessment. Based on AERSCREEN modeling results, the maximum 1-hour ground-level DPM concentration from construction activities would be 0.0894 micrograms per cubic meter (µg/m³). This was converted to an annual average concentration of 0.00715 µg/m³ using a

conversion factor of 0.08 (U.S. EPA 1992). The resulting annual concentration was used in the equations discussed above. Using this methodology, it was calculated that the excess cancer risk would be 1.38 in 1 million. DPM generated by project construction is not expected to create conditions where the probability is greater than 10 in 1 million of contracting cancer. Additionally, the HQ would be 0.0014, which is less than one. Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations associated with DPM during construction that could result in excess cancer risks, and impacts would be less than significant.

Diesel Particulate Matter – Freeway

The California Air Resources Board (CARB) handbook indicates that siting new sensitive land uses within 500 feet of a freeway or urban roads with 100,000 or more vehicles per day should be avoided when possible (CARB 2005). The project site is located adjacent to Alessandro Boulevard and Lasselle Street. However, based on the future traffic projections provided in the City's 2040 General Plan Final EIR, traffic volumes on these roadways would be well less than 100,000 vehicles per day (City of Moreno Valley 2021). Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations associated with DPM during operation, and impacts would be less than significant.

Carbon Monoxide Hot Spots

A CO hot spot is an area of localized CO pollution that is caused by severe vehicle congestion on major roadways, typically near congested intersections where idling and queuing occurs. Due to increased requirements for cleaner vehicles, equipment, and fuels, CO levels in the state have dropped substantially. All air basins are attainment or maintenance areas for CO. Therefore, more recent screening procedures based on more current methodologies have been developed. The Sacramento Metropolitan Air Quality Management District developed a screening threshold in 2011, which states that any project involving an intersection experiencing 31,600 vehicles per hour or more will require detailed analysis. In addition, the Bay Area Air Quality Management District developed a screening threshold in 2010 which states that any project involving an intersection experiencing 44,000 vehicles per hour would require detailed analysis. This analysis conservatively assesses potential CO hot spots using the Sacramento Metropolitan Air Quality Management District screening threshold of 31,600 vehicles per hour.

The project would generate 647 average daily trips (ADT; see Appendix L). Future year 2040 traffic volumes were obtained from the noise analysis prepared as part of the City's 2040 General Plan Final EIR (City of Moreno Valley 2021). Based on this analysis, Alessandro Boulevard would carry 22,460 to 26,745 ADT and Lasselle Street would carry 10,843 to 15,233 ADT in the vicinity of the project site. Peak hour volumes are typically 10 percent of the ADT. Based on this, the hourly turning volumes at nearby intersections are projected to be well less than 31,600 vehicles per hour. Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations associated with a CO hot spot, and impacts would be less than significant.

d. Less Than Significant Impact

The potential for an odor impact is dependent on a number of variables, including the nature of the odor source, distance between the receptor and odor source, and local meteorological conditions.

During construction, construction equipment may generate some nuisance odors. Sensitive receptors near the project site include residential uses and a church; however, exposure to odors associated with project construction would be short term and temporary in nature. Project construction would be regulated by CARB's Airborne Toxic Control Measures 13 (California Code of Regulations Chapter 10 Section 2485), which requires that equipment idling time not exceed 5 minutes unless more time is required per engine manufacturers' specifications or for safety reasons. Therefore, project construction would not generate odors adversely affecting a substantial number of people, and impacts would be less than significant. Once operational, the project would not include any uses or activities that would result in potentially significant operational-source odor impacts. Therefore, the project would not generate substantial amounts of odors adversely affecting a substantial number of people, and impacts would be less than significant.

4.4 Biological Resources

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have substantial adverse effects, 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) or U.S. Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d. 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 native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:

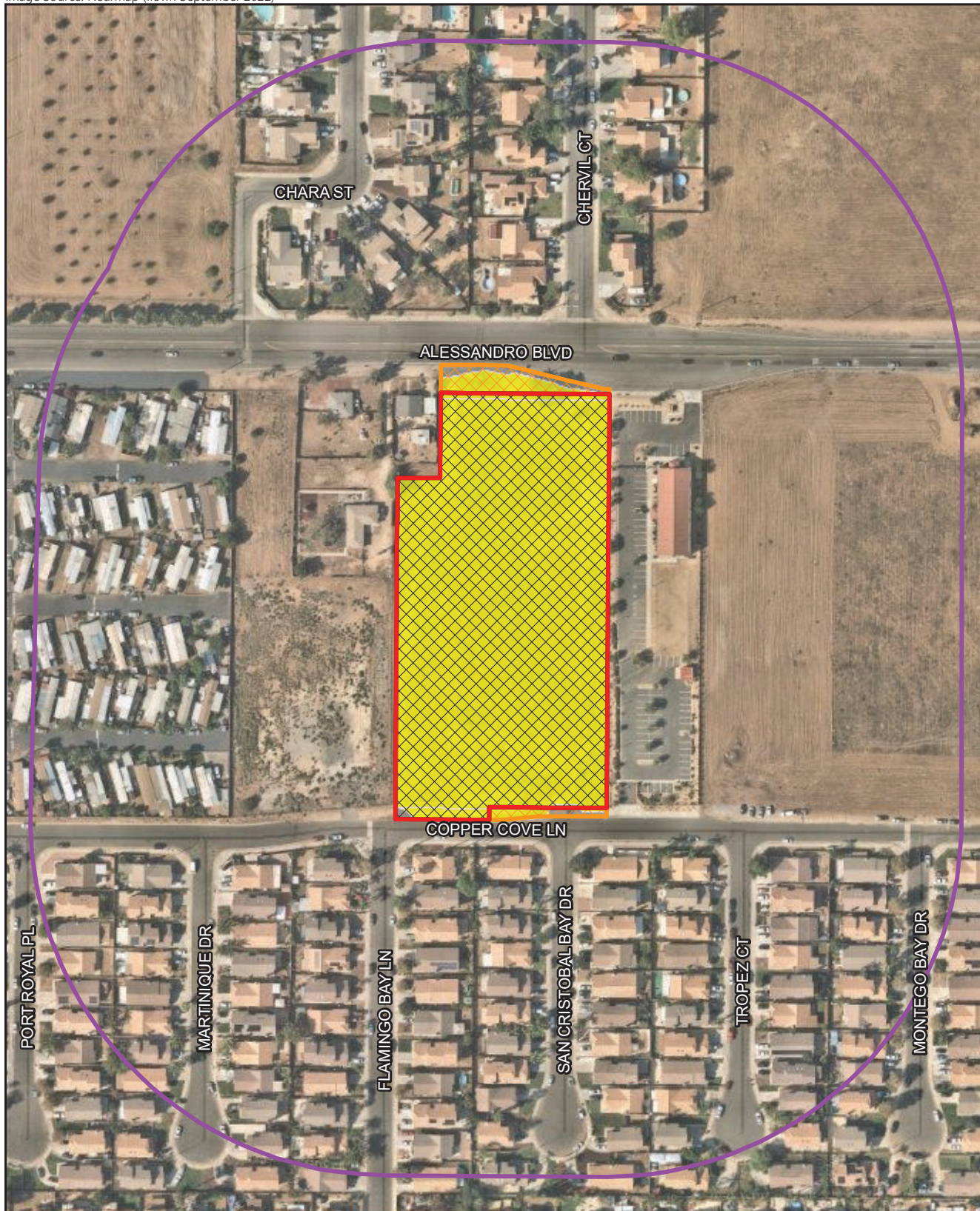
a. Potentially Significant Unless Mitigation Incorporated

RECON prepared a Biological Resources Letter Report (Appendix B), as well as a Burrowing Owl Habitat Assessment (Appendix C) and Burrowing Owl Focused Surveys (Appendix D) in accordance with the guidelines developed for the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP; Western Riverside County Regional Conservation Authority [WRCRCA] 2006) to verify conditions within the site. The survey area included the entire 4.07-acre project area (on and off-site) and surrounding 500-foot buffer (Figure 5). The Biological Resources Letter Report also reviewed the WRCRCA MSHCP Information Map (WRCRCA 2022); California Natural Diversity Database (CNDDDB; CDFW 2022), the All Species Occurrence Database (USFWS 2022a), and National Wetlands Inventory (USFWS 2022b).

Vegetation Communities/Land Cover Types

The general biological survey identified two vegetation communities/land cover types within the project site: non-native grassland and residential/urban/exotic land. The acreage of these vegetation communities/land cover types is presented in Table 5 and descriptions are provided below.

Image Source: NearMap (flown September 2022)



- Project Boundary
- On-site Impact Area
- Off-site Improvement Area
- Burrowing Owl Survey Area

Vegetation Community

- Non-native Grassland
- Residential/Urban/Exotic



FIGURE 5
Impacts to Biological Resources

Vegetation Communities/ Land Cover Types	Project Site	Off-site Improvement Area	Project Area Total
Non-native Grassland	3.85	0.14	3.99
Residential/Urban/Exotic	0.01	0.07	0.08
Total	3.86	0.21	4.07

Non-native Grassland

Non-native grassland is a vegetation community characterized by a dense to sparse cover of annual grasses frequently associated with past land uses such as grazing and agriculture. The project site was dominated by wall barley (*Hordeum murinum*) and with other non-native grass species scattered throughout, such as rigput grass (*Bromus diandrus*) and oats (*Avena* sp.). Additionally, other non-native species were throughout the site such as short-pod mustard (*Hirschfeldia incana*) and long-beak filaree (*Erodium botrys*). The non-native grassland totals 3.99 acres.

Residential/Urban/Exotic

Residential/urban/exotic habitat is composed of areas that have been previously disturbed and no longer function as a native or naturalized vegetation community, as well as any land that has been constructed upon, containing permanent or semi-permanent structures, pavement or hardscape, or landscaped areas that are regularly maintained and/or irrigated. Vegetation, if present, is dominated by opportunistic non-native species such as stinknet (*Oncosiphon piluliferum*) and long-beak filaree. The residential/urban/exotic land occurs along the northeastern and southeastern boundary edge. The residential/urban/exotic land totals 0.08 acre.

The project would result in a total of 3.99 acres of direct impacts to non-native grassland and 0.08 acre of direct impacts to residential/urban/exotic land (Table 6; see Figure 5). As described in greater detail in Section 4.4(f) below, the project would be consistent with the MSHCP Conservation Criteria, and therefore would be considered a Covered Project under the MSHCP. Consequently, impacts to non-native grassland and residential/urban/exotic land would not be considered significant under the MSHCP. Therefore, the project would not have substantial adverse effects on sensitive species, either directly or through habitat modifications of sensitive vegetation communities, and impacts would be less than significant.

Vegetation Communities/ Land Cover Types	Existing Acreage within the Project Area	Project Site Impacts (Acres)	Off-site Improvement Area Impacts (Acres)	Total Project Impacts
Non-native Grassland	3.99	3.85	0.14	3.99
Residential/Urban/Exotic	0.08	0.01	0.07	0.08
TOTAL	4.07	3.86	0.21	4.07

Sensitive Plants

No sensitive plant species were identified within the project area, and no sensitive plant species are anticipated to occur due to the highly disturbed nature of the site. Based on the database review completed for the project, no sensitive plant species are known to occur within one mile of the project area. Therefore, the project would not have substantial adverse effects on any sensitive plant species. No impact would occur.

Sensitive Wildlife

No sensitive wildlife species were identified within the project area. However, three sensitive wildlife species, burrowing owl (*Athene cunicularia*), California horned lark (*Eremophila alpestris actia*), and Stephens' kangaroo rat (*Dipodomys stephensi*) have a moderate to high potential to occur within the project area. Each of these species and potential impacts are described below.

Western Burrowing Owl

The project is located within the MSHCP survey area for burrowing owl. Therefore, a burrowing owl habitat assessment was conducted pursuant to the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area (WRCRCA 2006). Although no evidence of burrowing owls was present on-site, suitable burrows, prey species, and habitat were identified within the 500-foot buffer during the MSHCP protocol habitat assessment. Due to the presence of suitable habitat and burrows, per the MSHCP guidelines, Step II-Part B Focused Burrowing Owl surveys, conducted during breeding season, would be required (WRCRCA 2022; see Appendix B). The Step II-Part B focused burrowing owl surveys were conducted on four separate dates: May 24 and 25, and June 8 and 10, 2022. The surveys were conducted between two hours before sunset and one hour after sunset or one hour before sunrise and two hours after sunrise. Meandering transects were walked through all suitable habitat identified within the project boundary and burrows were inspected for sign (e.g., pellets, whitewash, feathers). The 500-foot buffer was surveyed from the project boundary using binoculars, as permission to survey within the buffer was not granted. Although burrows were detected within the 500-foot buffer, no burrows were observed within the project boundary. No burrowing owls or sign were observed during these focused surveys. However, due to the presence of suitable burrows and prey species, the project would have the potential to result in direct impacts to burrowing owl as a result of vegetation removal, grading, and construction within the project impact footprint. Direct impacts to this species would be considered significant (Impact BIO-1). Implementation of mitigation measure MM-BIO-1 would reduce impacts to a level less than significant.

MM-BIO-1: Burrowing Owl

Due to the presence of suitable burrows and prey species identified on-site, prior to project construction, 30-day preconstruction surveys following the protocol established in the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area shall be conducted in accordance with the requirements of the MSHCP (WRCRCA 2006). Take of active nests shall be avoided. If burrowing owls are detected, the WRCRCA, and CDFW shall be notified in 48 hours. A burrowing owl relocation plan for active or passive relocation will be required to be developed and is subject to review and approval by WRCRCA and CDFW.

Migratory and Nesting Birds

The California horned lark is a CDFW watch list species and a covered species under the MSHCP. This species has a high potential to nest and forage within the project area due to the presence of disturbed habitat with suitable openings for nesting. Direct impacts to nesting and migratory birds, including California horned lark, could potentially occur if vegetation removal or grading within the project impact footprint occur during the general avian breeding season (February 1 to September 15). These species are protected by the California Fish and Game Code Section 3503.5, and direct impacts to nesting individuals would be considered significant and require mitigation (Impact BIO-2). Implementation of mitigation measure MM-BIO-2 would reduce impacts to a level less than significant.

MM-BIO-2: Migratory and Nesting Birds

To remain in compliance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3503.5, no direct impacts shall occur to any nesting birds, their eggs, chicks, or nests. If vegetation removal activities were to occur during the bird breeding season of February 1 to September 15, a qualified biologist will conduct pre-construction surveys no more than three days prior to the commencement of project activities to identify locations of nests. If nests or breeding activities are located in the project area, a qualified biologist shall establish a clearly marked appropriate exclusionary buffer or other avoidance and minimization measures around the nest. Avoidance and minimization measures shall be maintained until the young have fledged and no further nesting is detected. If no nesting birds are detected during the pre-construction survey, no further measures are required.

Stephens' Kangaroo Rat

The Stephens' kangaroo rat is federally listed as threatened, state listed as threatened, and an MSHCP covered species. This species has a moderate potential to occur due to the presence of grassland and open areas. In 1996, USFWS approved the Stephens' Kangaroo Rat Habitat Conservation Plan (HCP) and granted an incidental take permit for Riverside County covering an estimated 30,000 acres of occupied habitat within the following eight member cities: Perris, Temecula, Murrieta, Lake Elsinore, Corona, Riverside, Moreno Valley, and Hemet (Riverside County Habitat Conservation Agency [RCHCA] 1996). The Stephens' kangaroo rat HCP authorizes the incidental take of half of the occupied habitat remaining in the HCP plan area while using development fees to implement the plan, purchase private property, and create a reserve system. The Stephens' Kangaroo Rat HCP and corresponding permits are in effect for areas covered by the MSHCP; however, the Stephens' Kangaroo Rat HCP and the MSHCP remain separate. The Stephens' Kangaroo Rat fee areas are subject to mandatory conservation measures as outlined in the Stephens' Kangaroo Rat HCP (RCHCA 1996) and as subsequently modified. The entire 4.07-acre project area is not part of a Stephens' kangaroo rat core reserve, and therefore would not require focused Stephens' kangaroo rat surveys (RCHCA 1996). However, the project site is located within the Stephens' kangaroo rat fee area, which is considered a significant impact (Impact BIO-3). Implementation of mitigation measure MM-BIO-3 would reduce impacts to a level less than significant.

MM-BIO-3: Stephens' Kangaroo Rat Fee Area

Prior to the issuance of a development permit, the applicant shall pay an impact and mitigation fee of \$500 per gross acre for impacts to 4.07 acres within the Stephens' Kangaroo Rat fee area. This mitigation fee is intended to include all impacts located within the parcel to be developed and the area disturbed by related off-site improvements.

b. No Impact

No riparian or riverine features were recorded on-site during the general biological survey. Direct impacts associated with the project would be limited to non-native grassland and residential/urban/exotic habitat, neither of which are considered riparian habitats. As described in Section 4.4(a) above, impacts to these vegetation communities would not be significant and would not require mitigation. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. No impact would occur.

c. No Impact

No potential jurisdictional waters, including wetlands, vernal pools, or non-wetland waters, were observed within or adjacent to the project area during the general biological survey. Therefore, the project would not have a substantial adverse effect on state or federally protected wetlands. No impact would occur.

d. Potentially Significant Unless Mitigation Incorporated

Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Wildlife movement corridors are important because they provide access to mates, food, and water; allow the dispersal of individuals away from high population density areas; and facilitate the exchange of genetic traits between populations (Beier and Loe 1992). Wildlife movement corridors are considered sensitive by resource and conservation agencies. The project site is located on undeveloped land and is surrounded by urban development and existing roadways to the north, south, east, and west. Although there is undeveloped land to the northeast and northwest east, species would not likely traverse these areas because the surrounding developed areas preclude wildlife movement. Therefore, the project would not interfere substantially with wildlife movement and does not function as a wildlife corridor.

As described in Section 4.4(a) above, direct impacts to nesting and migratory birds, including California horned lark, could potentially occur if vegetation removal or grading within the project impact footprint occur during the general avian breeding season (February 1 to September 15), which would be considered a significant impact. However, implementation of mitigation measure MM-BIO-2 would reduce impacts on nesting and migratory birds to a level less than significant. Therefore, the project would not impede the use of native wildlife nursery sites, and impacts would be mitigated to a level less than significant.

e. No Impact

The project does not possess any trees. All other potential impacts to biological resources have been addressed in Section 4.4(a) through 4.4(d) above. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance. No impact would occur.

f. Potentially Significant Unless Mitigation Incorporated

The Biological Resources Letter Report evaluated the project for consistency with applicable policies of the MSHCP (see Appendix B; WRCRCA 2003). No riparian/riverine areas or vernal pools were identified during the general biological survey. Therefore, the project is consistent with the requirements for the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools in Section 6.1.2 of the MSHCP, and no additional surveys, analysis, or mitigation is required. The project is located outside the MSHCP Narrow Endemic Plant Species Survey Area and no narrow endemic plants are anticipated to occur within the project area due to the disturbed nature of the site and lack of suitable habitat. Therefore, the project is consistent with the requirements for the Additional Surveys Needs and Procedures in Section 6.1.3 of the MSHCP, and no additional surveys or mitigation is required. The MSHCP Urban/Wildland Interface Guidelines are intended to address indirect effects associated with development located in proximity to a MSHCP Conservation Area. The project area is not located inside or adjacent to any Criteria Area, Criteria Cell, or Conservation Area identified for conservation potential by the MSHCP. As described in Section 4.4(a) above, implementation of mitigation measure MM-BIO-1 would reduce impacts on western burrowing owl to a level less than significant. Similarly, implementation of mitigation measure MM-BIO-2 would reduce impacts on nesting and migratory birds to a level less than significant. Furthermore, implementation of mitigation measure MM-BIO-3 would reduce impacts on the Stephens' kangaroo rat to a level less than significant. Therefore, the project would not conflict with the provisions of the MSHCP, and impacts would be mitigated to a level less than significant.

4.5 Cultural Resources

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of an historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Disturb human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:**a. Less Than Significant Impact**

RECON prepared an Archaeological Survey Report for the project's Area of Potential Effect (APE) that conducted background research, review of topographic maps and historic aerial photographs, and an on-foot survey (Appendix E).

Prior to the survey, a records search was requested from the Eastern Information Center. The results indicated that 28 archaeological investigations have been completed within the one-mile buffer. One of the archaeological investigations included the APE and is titled An Historical Resources Identification of Alessandro Pointe Project, Tract 34681, 25817 Alessandro Boulevard, City of Moreno Valley, Riverside County, California (Alexandrowicz 2006a). A total of 14 cultural resources have been recorded within the one-mile buffer, including 4 historic-era sites and 10 prehistoric sites. One of the previously recorded resources (CA-RIV-8149) is mapped within the APE.

CA-RIV-8149 was recorded in 2006 during the survey for the report titled An Historical Resources Identification of Alessandro Pointe Project mentioned above (Alexandrowicz 2006b). The site included the remnants of two early- to mid-twentieth century residences within a 250-foot-by-157-foot area. One septic concrete tank, red brick fragments, wire nails, terra cotta sewer tiles, door hinges, window glass fragments, an electric insulator, toilet sherd, and iron water pipe fragments were recorded. A trash scatter included over 50 glass fragments from food stuff, condiments, and soda and liquor bottles; whiteware, majolica, and Fiesta tableware ceramics; and a mirror fragment. Based on the Fiesta tableware fragments, the Terminus Post Quem date suggests a 1950s deposit. It was noted that mechanical discing for weed maintenance had impacted the top six inches and the integrity of site.

A review of topographic maps dating to 1954 and 1958 show at least one building or structure within the APE. A 1963 topographic map exhibits two buildings along Alessandro Boulevard. Three additional built features appear on a 1980 topographic map. This information is consistent with the historic aerial photographs where the earliest available photograph is from 1966 and shows Alessandro Boulevard along with at least three residential houses and associated structures. A 1978 aerial photograph represents several of the associated structures are no longer present. By the 1997 photograph, all houses and associated structures have been demolished. In all aerial photographs subsequent to 1997, the APE remains vacant (Nationwide Environmental Title Research LLC 2022).

An on-foot survey was conducted by RECON and a representative from the Pechanga Band of Luiseño Indians. No previously unrecorded significant or potentially significant prehistoric or historic cultural resources were observed during the survey of the APE. The remnants of CA-RIV-8149 are

evident along the east-central to northern project boundary. A fair amount of demolition debris consistent with the recording is apparent as previously described (Alexandrowicz 2006b). Observed items are the molded concrete fragments, red brick fragments, sewer tile fragments, assorted metals, kitchen ceramic fragments, and consumer bottle glass fragments. The higher number of items along with other specific items listed in the recording were not observed. The concrete septic tank with lid was not located. It is likely that these unobserved items have been subsequently buried due to weed control maintenance discing. No intact features or deposits, or previously unreported items were observed to necessitate a further recording of the resource. This resource does not meet the eligibility criteria under CEQA, nor any of the local guidelines presented in the City's 2040 General Plan policies or municipal code. With respect to the California Register of Historical Resources, the resource is not associated with a significant event (criterion 1) or person (criterion 2). It lacks unique construction (criterion 3) and does not have the potential to yield additional information (criterion 4). RECON believes the original recording has exhausted the research potential of the resource. Therefore, the project would not cause a substantial adverse change in the significance of an historical resource pursuant to §15064.5, and impacts would be less than significant.

b. Less Than Significant Impact

As described in Section 4.5(a), the previously recorded cultural resource mapped within the APE does not meet the eligibility criteria under CEQA, nor any of the local guidelines presented in the City's 2040 General Plan policies or municipal code. A letter was sent to the Native American Heritage Commission (NAHC) by RECON requesting a search of their Sacred Lands File to identify any spiritually significant and/or sacred sites or Traditional Use Areas in the project vicinity. The search results came back negative. No previously unrecorded significant or potentially significant prehistoric or historic cultural resources were observed during the survey of the APE. Additionally, the possibility of intact buried significant cultural resources being present within the APE is considered low because of past demolition and repeated ground disturbances, including previous agricultural activity that occurred on the project site and current tilling or mowing for weed control. Therefore, the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5, and impacts would be less than significant.

c. Less Than Significant Impact

There are no formal cemeteries or recorded burials on the project site or surrounding area. If Native American human remains are encountered during construction, Public Resources Code Section 5097.98 and California Health and Safety Code Section 7050.5 will be followed. If human remains are encountered, no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours. Subsequently, the NAHC shall identify the person or persons it believes to be the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Adherence to these regulatory requirements in the event of an unanticipated discovery would ensure that the project

would not disturb human remains, including those interred outside of formal cemeteries and reduce impacts to a level less than significant.

4.6 Energy

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:

a. Less Than Significant Impact

The analysis of energy resources requires a discussion of construction, transportation, and operational energy use.

Construction-Related Energy Use

Energy use during construction would occur within two general categories: fuel use from vehicles used by workers commuting to and from the construction site, and fuel use by vehicles and other equipment to conduct construction activities. Based on CalEEMod calculations, project construction is anticipated to last 13 months and would require a maximum of 95 worker vehicle trips per day and 20 vendor trips per day during building construction activities. All other construction activities would require fewer worker and vendor vehicle trips. It is anticipated that soil grading quantities would be balanced on-site and would require no soil hauling trips during any of the construction phases. CalEEMod output files are presented in Appendix A. Fuel consumption associated with construction worker commutes would be similar of any other typical commute in Riverside County, and would not result in a wasteful, inefficient, or unnecessary consumption of gasoline or diesel fuel. Consistent with state requirements, all construction equipment would meet CARB Tier 3 In-Use Off-Road Diesel Engine Standards. Engines are required to meet certain emission standards, and groups of standards are referred to as Tiers. A Tier 0 engine is unregulated with no emission controls, and each progression of standard level (i.e., Tier 1, Tier 2, Tier 3, etc.) generate lower emissions, use less energy, and are more advanced technologically than the previous tier. CARB's Tier 3 In-Use Off-Road Diesel Engine Standards requires that construction equipment fleets become cleaner and use less energy

over time. There are no known conditions in the project area that would require nonstandard equipment or construction practices that would increase fuel-energy consumption above typical equipment fuel consumption rates. Additionally, construction activities would be temporary and short-term (13 months) and would adhere to all construction best management practices (BMPs). As required by the City's Climate Action Plan (CAP), the project would post clear signage during the construction period reminding construction workers to limit idling of construction equipment. Therefore, project construction would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, and impacts would be less than significant.

Operation-Related Energy Use

During operation, energy use would be associated with transportation-related fuel use (gasoline, diesel fuel, and electric vehicles), and building-related energy use (electricity and natural gas).

Transportation-Related Energy Use

Buildout of the project and vehicle trips associated with project operation would result in transportation energy use. Trips by individuals traveling to and from the project site would consist of passenger vehicles mostly powered by gasoline, with some fueled by diesel or electricity. The project would generate 647 ADT. Compared to the overall number of vehicle trips generated in the city, this amount of vehicle traffic would be negligible. Additionally, as discussed in Section 4.8(a) below, the project would implement measures that would reduce trips and vehicle miles travelled (VMT), including electric vehicle parking and bicycle parking, as required by the City's CAP. The project would include on-site amenities including a clubhouse, pool, dog park, and tot lot, thereby reducing the need to travel for recreational activities. Additionally, vehicle trips would be reduced through the use of public transit by project residents. The project would construct a high-density residential use adjacent to an existing transit route along Alessandro Boulevard immediately adjacent to the project site. Riverside Transit Agency Route 20 provides service to major destinations, including Moreno Valley College southeast of the project site, the Riverside University Health System Medical Center east of the project site, commercial and retail uses along Alessandro Boulevard, and the Metrolink Moreno Valley/March Field Station west of the project site. The Metrolink 91 Perris Line provides transportation between Perris Valley and Los Angeles Union Station and connects to other Metrolink lines that provide transportation throughout the greater region. Project fuel consumption would decline over time beyond the initial operational year of the project due to continued implementation of increased federal and state vehicle efficiency standards. There is no component of the project that would result in unusually high vehicle fuel use during operation. Therefore, operation of the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources, and impacts would be less than significant.

Non-Transportation-Related Energy Use

Non-transportation energy use would be associated with electricity and natural gas. The Renewables Portfolio Standard (RPS) promotes diversification of the state's electricity supply and decreased reliance on fossil fuel energy sources. Renewable energy includes (but is not limited to) wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas. Originally adopted in 2002 with a goal to achieve a 20 percent renewable energy mix by 2020 (referred to as the "Initial RPS"), the goal has been accelerated and increased by Executive Orders (EO) S-14-08 and S-21-09 to a goal of 33 percent by 2020. In April 2011, Senate Bill (SB) 2 (1X) codified California's 33 percent

RPS goal. SB 350 (2015) increased California's renewable energy mix goal to 50 percent by year 2030. SB 100 (2018) further increased the standard set by SB 350 establishing the RPS goal of 44 percent by the end of 2024, 52 percent by the end of 2027, and 60 percent by 2030. Once operational, the project would be served by Moreno Valley Electric Utility (MVU). MVU has an Integrated Resource Plan (MVU 2018) that identifies how it will achieve 44 percent renewables by 2024. MVU is on track to procure 60 percent by 2030.

The California Code of Regulations, Title 24, is referred to as the California Building Code (CBC). It consists of a compilation of several distinct standards and codes related to building construction, including plumbing, electrical, interior acoustics, energy efficiency, handicap accessibility, and so on. Of particular relevance to GHG reductions are the CBC's energy efficiency and green building standards as outlined below.

Title 24, Part 11 of the California Code of Regulations is CALGreen. Beginning in 2011, CALGreen instituted mandatory minimum environmental performance standards for all ground-up new construction of commercial and low-rise residential buildings, state-owned buildings, schools, and hospitals. It also includes voluntary tiers (I and II) with stricter environmental performance standards for these same categories of residential and non-residential buildings. Local jurisdictions must enforce the minimum mandatory requirements and may adopt CALGreen with amendments for stricter requirements.

The project would, at a minimum, be required to comply with the mandatory measures included in the current 2019 Energy Code (California Code of Regulations, Title 24, Part 6) and the 2019 CALGreen standards. The mandatory standards require the following:

1. Outdoor water use requirements as outlined in local water efficient landscaping ordinances or current Model Water Efficient Landscape Ordinance standards, whichever is more stringent;
2. Requirements for water conserving plumbing fixtures and fittings;
3. 65 percent construction/demolition waste diverted from landfills;
4. Inspections of energy systems to ensure optimal working efficiency; and
5. Low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particle boards.

Once operational, the project would use electricity and natural gas to run various appliances and equipment, including space and water heaters, air conditioners, ventilation equipment, lights, and numerous other devices. Generally, electricity use is higher in the warmer months due to increased air conditioning needs, and natural gas use is highest when the weather is colder as a result of high heating demand. As a part of the air quality modeling prepared for the project, CalEEMod was used to estimate the total operational electricity and natural gas consumption associated with the project. Table 7 summarizes the anticipated operational energy and natural gas use.

	Total Use
Electricity	401,353 kWh/Year
Natural Gas	1,380,690 BTU/Year
kWh = kilowatt hour; BTU = British thermal units	

Buildout of the project would result in an increase of operational electricity and natural gas usage when compared to the existing condition. The project would be required to meet the mandatory energy requirements of 2019 CALGreen and the California Energy Code (Title 24, Part 6 of the California Code of Regulations) and would benefit from the efficiencies associated with these regulations as they relate to heating, ventilating, and air conditioning mechanical systems, water-heating systems, and lighting. Additionally, the project would implement all applicable GHG reduction measures related to energy efficiency and clean energy as required by the City's CAP, which includes the installation of real-time energy smart meters (see Section 4.8[a] below). Therefore, there are no project features that would support the use of excessive amounts of energy or would create unnecessary energy waste, or conflict with any adopted plan for renewable energy efficiency, and impacts would be less than significant.

b. Less Than Significant Impact

The applicable state plans that address renewable energy and energy efficiency are CALGreen, the California Energy Code, and RPS, and the applicable local plan is the CAP. As discussed in Section 4.6(a) above, the project would be required to meet the mandatory energy requirements of 2019 CALGreen and the 2019 California Energy Code. The project would not conflict with or obstruct implementation of CALGreen and the California Energy Code, or with SCE's implementation of RPS. Additionally, as described in Section 4.8(a) below, the project would be consistent with the City's CAP. Therefore, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and impacts would be less than significant.

4.7 Geology and Soils

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:**a.i. Less Than Significant Impact**

The project site is located within the seismically active southern California region, within the northern portion of the Peninsular Range Physiographic. The Preliminary Geotechnical Investigation for Foundation Design (Geotechnical Investigation) completed for the project did not identify any active or potentially active faults that traverse the project site (Appendix F). The nearest known active fault is the San Jacinto Fault, which is approximately 4.1 miles northeast of the project site (LOR Geotechnical Group, Inc., 2021). While the San Jacinto Fault is categorized as an Alquist-Priolo Earthquake zone, the project site is not located within the fault zone. Therefore, the risk of fault rupture is low, and impacts related to the exposure of people or structures to rupture of a known earthquake fault would be less than significant.

a.ii. Less Than Significant Impact

The project site is located in a seismically active southern California region. As described in Section 4.7(a.i) above, the nearest known active fault is the San Jacinto Fault, which is approximately 4.1 miles northeast of the project site. Additionally, the San Andreas fault is located approximately 13.7 miles to the northeast, and the Elsinore fault located approximately 18.0 miles to the southwest (LOR Geotechnical Group, Inc., 2021). The San Jacinto and San Andreas faults have the capacity to generate earthquakes with a 6.9 magnitude (Appendix F).

The Geotechnical Investigation determined that development of the project site would be feasible from a geotechnical standpoint, provided the project is designed in accordance with the seismic formulas and requirements in the current CBC and recommendations presented in the report are implemented during grading and construction (see Appendix F). Adherence to these recommendations documented in the Geotechnical Investigation and the seismic formulas and requirements in the current CBC would ensure that the project would not expose people or structures to strong seismic shaking, and impacts would be less than significant.

a.iii. Less Than Significant Impact

The Geotechnical Investigation determined that the project site would not be subject to liquefaction based on subsurface conditions. The potential for liquefaction generally occurs during strong ground shaking within granular loose sediments where the groundwater is usually less than 50 feet below the ground surface. Since soil testing determined that groundwater does not lie within 50 feet beneath the project site, and the site is underlain by native soils classified as sandy silt and silty clay, the possibility of liquefaction at the site is considered very low (see Appendix F). Therefore, the project would not expose people or structures to adverse effects from seismic-related ground failure, including liquefaction, and impacts would be less than significant.

a.iv. Less Than Significant Impact

The project site and surrounding area are relatively flat and do not possess any slopes that could generate a landslide. Therefore, the project would not cause or increase the potential for landslides, and impacts would be less than significant.

b. Less Than Significant Impact

The project would implement BMPs during construction consistent with the requirements of the Regional Water Quality Control Board – Santa Ana Region (RWQCB-SAR) and MVMC Chapter 8.10 that would minimize erosion potential by controlling storm water flows and minimization of topsoil loss. Therefore, compliance with the requirements of the RWQCB-SAR and MVMC would prevent substantial soil erosion or the loss of topsoil, and impacts would be less than significant.

c. Less Than Significant Impact

As described in the Section 4.7(a.iii) above, the risk of liquefaction at the project site is considered low. Furthermore, the project would adhere to earthwork recommendations presented in the Geotechnical Investigation to address lateral spreading, subsidence, or settlement. Therefore, the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and impacts would be less than significant.

d. Less Than Significant Impact

The Geotechnical Investigation did not identify any risk associated with expansive soils (see Appendix F). Furthermore, the project would adhere to grading recommendations presented in the Geotechnical Investigation related to soil stability. Therefore, the project would not be located on expansive soil, creating substantial direct or indirect risks to life or property, and impacts would be less than significant.

e. No Impact

The project does not propose the use of septic tanks or alternative wastewater disposal systems. No impact would occur.

f. Less Than Significant Impact

As described in Section 4.5(b) above, potential resources being present within the project site is considered low because of past demolition and repeated ground disturbances, including previous agricultural activity that occurred on the project site. Therefore, the project would not directly or indirectly destroy a unique paleontological resource, and impacts would be less than significant.

4.8 Greenhouse Gas Emissions

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:

a. Less Than Significant Impact

RECON prepared a Greenhouse Gas (GHG) Analysis for the project (Appendix G).

Climate Action Plan Consistency Checklist

The City adopted a CAP in June 2021, which was designed to reinforce the City’s commitment to GHG emissions and demonstrate how the City will comply with the state of California’s GHG emission

reduction standards (City of Moreno Valley 2021). The CAP addresses the SB 32 target of reducing GHG emissions 40 percent below 1990 levels by 2030 and EO S-3-15 target of reducing GHG emissions 80 percent below 1990 levels by 2050. The GHG emission targets established in the CAP are based on the goals established by EO S-3-15 and SB 32, consistent with the CAP guidelines established in the 2017 *Climate Change Scoping Plan: A Framework for Change* (Scoping Plan). The horizon year for analysis in the CAP is 2040. Therefore, the CAP includes targets of 6 metric tons of carbon dioxide equivalent (MT CO₂E) per capita per year by 2030 and 4 MT CO₂E per capita per year by 2040 (derived from the Scoping Plan target of 2 MT CO₂E per capita per year in 2050). The proposed 2040 target of 4 MT CO₂E per capita per year is determined using a linear trajectory in emissions reduction between 2030 and 2050. Pursuant with CEQA Guidelines Section 15183.5(b), the CAP is considered a qualified GHG reduction strategy that will allow developments to tier off and streamline the GHG analyses under CEQA.

According to CEQA Guidelines Section 15183.5, projects can tier off a qualified GHG reduction plan, which allows for project-level evaluation of GHG emissions through the comparison of the project's consistency with the GHG reduction policies included in a qualified GHG reduction plan. A project that complies with a qualified GHG reduction strategy would be considered to have less than significant impact related to GHG emissions. For the purposes of this analysis the project's significance is determined by consistency with the CAP, which is consistent with the 2017 Scoping Plan and emission reduction targets per SB 32.

The City's CAP includes a CAP Consistency Checklist to demonstrate if new developments are consistent with reduction strategies from the City's CAP. The purpose of the checklist is to streamline project-level CEQA requirements by identifying clear GHG reduction strategies that all new developments would need to implement for compliance with the GHG reduction strategies. If a project meets the checklist criteria, then it would be considered to have a less than significant impact related to GHG emissions. Table 8 demonstrates that the project would be consistent with the CAP checklist. Refer to Appendix G for the full checklist. Therefore, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and impacts would be less than significant.

Table 8 Project Consistency with Moreno Valley Climate Action Plan	
Goals, Targets, Policies	Project Consistency
General Plan Consistency	
Are the proposed land uses in the project consistent with the existing 2040 General Plan land use and zoning designations?	The project site is zoned Corridor Mixed Use (COMU) and is designated COMU in the 2040 General Plan. The project proposes the construction of 96 multi-family residential units, which would be consistent with the COMU zoning and land use designation.
CAP Measures Consistency	
If the project includes new residential, commercial, and/or mixed-use development, would the project implement trip reduction programs? (Examples of residential trip reduction programs, or transportation demand management (TDM) strategies include, among others, installing and maintaining on-site bicycle parking; providing designated parking spaces for car share	The project would include on-site bicycle parking and electric vehicle parking. The project would include 171 parking spaces and 18 (10 percent) would be electric vehicle capable. Additionally, trips would be reduced through the use of public transit. The project would construct a high-density residential use adjacent to an existing transit route along Alessandro Boulevard

Table 8 Project Consistency with Moreno Valley Climate Action Plan	
Goals, Targets, Policies	Project Consistency
operations; offering an annual carshare membership to building residents or employees; posting wayfinding signage near major entrances directing building users to bus stops, bicycle facilities, car sharing kiosks, and other alternative travel options; and unbundling the price of parking from rents or sale of units.)	immediately adjacent to the project site. Riverside Transit Agency Route 20 provides service to major destinations including Moreno Valley College southeast of the project site, the Riverside University Health System Medical Center east of the project site, commercial and retail uses along Alessandro Boulevard, and the Metrolink Moreno Valley/March Field Station west of the project site. The Metrolink 91 Perris Line provides transportation between Perris Valley and Los Angeles Union Station and connects to other Metrolink lines that provide transportation throughout the greater region.
For projects including new construction or major remodeling of residential development, does the project include installation of real-time energy smart meters?	The project would include installation of real-time energy smart meters.
During project construction, will clear signage reminding construction workers to limit idling of construction equipment provided?	Clear signage would be provided reminding construction workers to limit idling of construction equipment.
During project construction, will the project limit construction-related GHG emissions through one or more of the following measures: substituting electrified or hybrid equipment for diesel/gas powered equipment; using alternative-fueled equipment on-site; and avoiding use of on-site diesel/gas powered generators?	The project site would be provided with temporary electrical power during construction, and no on-site diesel/gas powered generators would be used.
For any new landscaping to be included as part of the project, does the project incorporate climate-appropriate, water-wise landscaping features, such as those identified in the <i>County of Riverside Guide to California Friendly Landscaping</i> .	The project would incorporate climate-appropriate, water-wise landscaping features that are identified in the <i>County of Riverside Guide to California Friendly Landscaping</i> . The project's landscaping would be consistent with the Model Water Efficient Landscape Ordinance, as well as all City landscaping ordinance requirements specified in Section 9.17.030 of the Municipal Code. This includes drought-resistant plantings and water-efficient irrigation systems.
Voluntary CAP Measures Consistency	
The CAP establishes a citywide target of increasing alternatives to single-occupant vehicle use by 10 percent for people employed in Moreno Valley by 2040. If the project involves a business with over 50 employees or tenants with such businesses, will the project implement Transportation Demand Management strategies and programs identified in Connect SoCal, the Southern California Association of Governments Regional Transportation Plan/Sustainable Community Strategy, including but not limited to: implementing commuter benefit programs, promoting telecommuting and alternative work schedule options, and other financial incentives?	The project is residential and does not include more than 50 employees.

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flaming Bay Apartment)

Table 8 Project Consistency with Moreno Valley Climate Action Plan	
Goals, Targets, Policies	Project Consistency
If the project includes new multi-family residential and/or mixed-use development, will the project reduce the need for external trips by providing useful services/facilities on-site (Examples include an ATM, vehicle refueling, electric vehicle infrastructure, and shopping)?	The project would include on-site amenities including a clubhouse, pool, dog park, and tot lot. The project would not include on-site shopping. However, the project would construct a high-density residential use adjacent to an existing transit route along Alessandro Boulevard immediately adjacent to the project site. Riverside Transit Agency Route 20 provides service to major destinations including commercial and retail uses along Alessandro Boulevard.
If the project includes new industrial facilities or involves the expansion of existing industrial facilities, will the project include energy efficient building operations systems to support the citywide goal of a 40 percent energy reduction in 30 percent of industrial square footage by 2040?	The project is residential and does not include industrial uses.
If the project includes industrial or warehousing facilities, will the project install solar energy infrastructure to support the City's goal of providing 25 percent of energy needs with solar in 30 percent of industrial and warehouse square footage by 2040?	The project is residential and does not include industrial or warehousing facilities.
Will the project use water efficient lawn and garden maintenance equipment, or reduce the need for landscaping maintenance through drought-resistant planting?	The project would incorporate climate-appropriate, water-wise landscaping features that are identified in the County of Riverside Guide to California Friendly Landscaping. The project's landscaping would be consistent with the Model Water Efficient Landscape Ordinance, as well as all City landscaping ordinance requirements specified in Section 9.17.030 of the Municipal Code. This includes drought-resistant plantings and water-efficient irrigation systems.

GHG Emission Quantification

For further support, the GHG emissions associated with the project were calculated and compared to the SCAQMD screening threshold. The SCAQMD published its Interim CEQA GHG Significance Thresholds for Stationary Sources, Rules, and Plans in 2008 (SCAQMD 2008, 2010). Consistent with the SCAQMD guidance, the recommended tiered approach for land use development projects in SCAQMD jurisdiction is assessment against the applicable screening levels. The SCAQMD screening threshold of 3,000 MT CO₂E was used. This screening level is intended to exempt projects that are too small to have significant impacts from further analysis. Emissions from all construction and operational sources were calculated and compared to the screening threshold.

The project's GHG emissions were calculated using the CalEEMod Version 2020.4.0 and the MVU energy intensity factors from CalEEMod Version 2022.1 (see Appendix G, Attachment 2). GHG emissions were calculated for construction, mobile sources, energy use, area sources, water and wastewater, and solid waste. Table 9 summarizes the total construction emissions. Table 10 summarizes the total GHG emissions associated with the project.

Table 9 Construction GHG Emissions	
Year	Construction GHG Emissions MT CO ₂ E
2023	437
2024	5
Total GHG Emissions	442
Amortized Over 30 Years	15
NOTE: CalEEMod output files are presented in in Appendix G, Attachment 2.	

Table 10 Project GHG Emissions	
Source	Project GHG Emissions MT CO ₂ E
Mobile	714
Energy Source	157
Area Sources	2
Water/Wastewater Sources	34
Solid Waste Sources	22
Construction (Amortized over 30 years)	15
Total	944
<i>SCAQMD Significance Threshold</i>	<i>3,000</i>
NOTE: CalEEMod output files are presented in in Appendix G, Attachment 2.	

As shown in Table 10, construction and operation of the project would generate 944 MT CO₂E annually, which would be less than the applicable SCAQMD screening level of 3,000 MT CO₂E. Therefore, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and impacts would be less than significant.

b. Less Than Significant Impact

As described in Section 4.8(a) above, the project would be consistent with the City's CAP, which is a qualified GHG reduction plan that is consistent with the 2017 Scoping Plan and emission reduction targets per SB 32. Because the project would be consistent with the CAP, it would not conflict with the 2017 Scoping Plan or SB 32. Furthermore, project GHG emissions would be below the screening level of 3,000 MT CO₂E. This threshold is based on the concept of establishing a 90 percent GHG emission capture rate. A 90 percent emission capture rate means that 90 percent of total emissions from all new or modified stationary source projects would be subject to a CEQA analysis, which includes analyzing feasible alternatives and imposing feasible mitigation measures. The market capture rate is based on guidance from the CAPCOA report *CEQA & Climate Change*, dated January 2008, which identifies several potential approaches for assessing a project's GHG emissions (CAPCOA 2008). Following the market capture rate approach, a lead agency defines an acceptable capture rate and identifies the corresponding emissions level. Following rationale presented in the CAPCOA Guidance, the aggregate emissions from all projects with individual annual emissions that are equal to or less than the identified market capture rate would not impede achievement of the state GHG emissions reduction targets codified by AB 32 (2006) and SB 32 (2016). Therefore, impacts under CEQA associated with projects with individual annual emissions that are equal to or less than the

identified capture rate would be less than cumulatively considerable. A 90 percent emission capture rate sets the emission threshold low enough to capture a substantial fraction of future stationary source projects that will be constructed to accommodate future statewide population and economic growth, while setting the emission threshold high enough to exclude small projects that will in aggregate contribute a relatively small fraction of the cumulative statewide GHG emissions.

Furthermore, project emissions would decline beyond the buildout year of the project, 2024, as a result of continued implementation of federal, state, and local reduction measures such as increased federal and state vehicle efficiency standards, and MVU's increased renewable sources of energy in accordance with RPS goals. Based on currently available models and regulatory forecasting, project emissions would continue to decline through at least 2050. Given the reasonably anticipated decline in project emissions, once fully constructed and operational, the project is in line with the GHG reductions needed to achieve the 2050 GHG emission reduction targets identified by EO S-3-05.

The 2017 Scoping Plan identifies state strategies for achieving the state's 2030 interim GHG emissions reduction target codified by SB 32. Measures under the 2017 Scoping Plan scenario build on existing programs such as the Low Carbon Fuel Standard, Advanced Clean Cars Program, RPS, Sustainable Communities Strategy, Short-Lived Climate Pollutant Reduction Strategy, and the Cap-and-Trade Program. The project would comply with all applicable provisions contained in the 2017 Scoping Plan since the adopted regulations would apply to new development or the emission sectors associated with new development.

1. **Transportation** – State regulations and 2017 Scoping Plan measures that would reduce the project's mobile source emissions include the California Light-Duty Vehicle GHG Standards (AB 1493/Pavley I and II), and the Low Carbon Fuel Standard, and the heavy-duty truck regulations. These measures are implemented at the state level and would result in project-related mobile source GHG emissions.
2. **Energy** – State regulations and 2017 Scoping Plan measures that would reduce the project's energy-related GHG emissions include RPS, Title 24 Energy Efficiency Standards, and CALGreen. The project would be served by MVU, which has an Integrated Resource Plan (MVU 2018) that identifies how it will achieve 44 percent renewables by 2024. The project's energy related GHG emissions would decrease as SCE increases its renewables procurement towards the 2030 goal of 60 percent.
3. **Water** – State regulations and 2017 Scoping Plan measures that would reduce the project's electricity consumption associated with water supply, treatment, and distribution, and wastewater treatment include RPS, CALGreen, and the Model Water Efficient Landscape Ordinance. The project would also be subject to all City landscaping ordinance requirements specified in Section 9.17.030 of the Municipal Code.
4. **Waste** – State regulations and 2017 Scoping Plan measures that would reduce the project's solid waste-related GHG emissions are related to landfill methane control, increases efficiency of landfill methane capture, and high recycling/zero waste. The project would be subject to CALGreen, which requires a diversion of construction and demolition waste from landfills. Additionally, the project would include recycling storage and would divert waste from landfills in accordance with AB 341.

Therefore, the project would not conflict with an applicable state plan, policy, or regulation adopted for the purpose of reducing GHG emissions, and impacts would be less than significant.

Regional Plans

In addition to being consistent with the CAP and meeting the SCAQMD screening thresholds, the project was evaluated for consistency with the Sustainable Communities Strategy strategies contained in Connect SoCal, the Southern California Association of Governments (SCAG) Regional Transportation Plan/ Sustainable Communities Strategy. As discussed in Table 11 below, the project would be consistent with applicable Connect SoCal strategies, particularly by constructing a high-density residential use adjacent to existing transit. Therefore, the project would not conflict with an applicable regional plan, policy, or regulation adopted for the purpose of reducing GHG emissions, and impacts would be less than significant.

Table 11 Project Consistency with Connect SoCal Strategies	
	Project Consistency
Focus Growth Near Destinations and Mobility Options	
<ol style="list-style-type: none"> 1. Emphasize land use patterns that facilitate multimodal access to work, educational, and other destinations. 2. Focus on a regional jobs/housing balance to reduce commute times and distances and expand job opportunities near transit and along center-focused main streets. 3. Plan for growth near transit investments and support implementation of first/last mile strategies. 4. Promote the redevelopment of underperforming retail developments and other outmoded nonresidential uses. 5. Prioritize infill and redevelopment of underutilized land to accommodate new growth, increase amenities and connectivity in existing neighborhoods. 6. Encourage design and transportation options that reduce the reliance on and number of solo car trips (this could include mixed uses or locating and orienting close to existing destinations). 7. Identify ways to "right size" parking requirements and promote alternative parking strategies (e.g., shared parking or smart parking). 	<p>The project would be consistent with Connect SoCal's strategies to focus growth near destinations and mobility options. The project site is currently undeveloped. The project would construct a high-density residential use adjacent to an existing transit route. Riverside Transit Agency Route 20 is located along Alessandro Boulevard immediately adjacent to the project site. Route 20 provides service to major destinations including Moreno Valley College southeast of the project site, the Riverside University Health System Medical Center east of the project site, commercial and retail uses along Alessandro Boulevard, and the Metrolink Moreno Valley/March Field Station west of the project site. The Metrolink 91 Perris Line provides transportation between Perris Valley and Los Angeles Union Station and connects to other Metrolink lines that provide transportation throughout the greater region. The project would therefore be consistent with these strategies by accommodating new residential growth near a transit route that provides access to commercial and job centers.</p>
Promote Diverse Housing Options	
<ol style="list-style-type: none"> 1. Preserve and rehabilitate affordable housing and prevent displacement. 2. Identify funding opportunities for new workforce and affordable housing development. 3. Create incentives and reduce regulatory barriers for building context sensitive accessory dwelling units to increase housing supply. 4. Provide support to local jurisdictions to streamline and lessen barriers to housing development that supports reduction of greenhouse gas emissions. 	<p>The project would support this strategy by providing much needed housing to the region.</p>

Table 11 Project Consistency with Connect SoCal Strategies	
Project Consistency	
Leverage Technology Innovations	
<ol style="list-style-type: none"> 1. Promote low emission technologies such as neighborhood electric vehicles, shared ride hailing, car sharing, bike sharing and scooters by providing supportive and safe infrastructure such as dedicated lanes, charging and parking/drop-off space. 2. Improve access to services through technology, such as telework and telemedicine as well as other incentives such as a mobility wallet. 3. Identify ways to incorporate micro-power grids in communities, for example solar energy, hydrogen fuel cell power storage and power generation. 	<p>These strategies are not directly applicable to the project. The project would not interfere with SCAG's efforts to promote low emission technologies, improve access to telework and telemedicine, or incorporate micro-power grids in communities.</p>
Support Implementation of Sustainable Policies	
<ol style="list-style-type: none"> 1. Pursue funding opportunities to support local sustainable development implementation projects that reduce greenhouse gas emissions. 2. Support statewide legislation that reduces barriers to new construction and that incentivizes development near transit corridors and stations. 3. Support local jurisdictions in the establishment of EIFDs, CRIAS, or other tax increment or value capture tools to finance sustainable infrastructure and development projects including parks and open space. 4. Work with local jurisdictions/communities to identify opportunities and assess barriers for implementing sustainability strategies. 5. Enhance partnerships with other planning organizations to promote resources and best practices in the SCAG region. 6. Continue to support long range planning efforts by local jurisdictions. 7. Provide educational opportunities to local decisions makers and staff on new tools, best practices and policies related to implementing the Sustainable Communities Strategy. 	<p>These strategies are not directly applicable to the project. The project would not interfere with SCAG's efforts to work with local jurisdictions, communities, and other planning organizations to implement sustainable policies. The project would result in less than significant GHG emissions and would be located near high-quality transit.</p>
Promote a Green Region	
<ol style="list-style-type: none"> 1. Support development of local climate adaptation and hazard mitigation plans as well as project implementation that improves community resiliency to climate change and natural hazards. 2. Support local policies for renewable energy production, reduction of urban heat islands and carbon sequestration. 3. Integrate local food production into the regional landscape. 4. Promote more resource efficient development focused on conservation, recycling and reclamation. 5. Preserve, enhance and restore regional wildlife connectivity. 6. Reduce consumption of resource areas, including agricultural land. 7. Identify ways to improve access to public park space. 	<p>Strategies regarding climate adaptation, food production, wildlife connectivity, agricultural lands, and park space are not applicable to the project. The project would be served by MVU, which has an Integrated Resource Plan that identifies how it will achieve 44 percent renewables by 2024. The project's energy-related GHG emissions would decrease as MVU increases its renewables procurement beyond 2020 towards the 2030 goal of 60 percent.</p>

Local Plans

As described in Section 4.8(a) above, the project would be consistent with the City's CAP. Therefore, the project would not conflict with an applicable local plan, policy, or regulation adopted for the purpose of reducing GHG emissions, and impacts would be less than significant.

4.9 Hazards and Hazardous Materials

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:**a. Less Than Significant Impact**

Project construction would require the transport, temporary storage, and use of asphalt fuels, oils, paints, and solvents. However, these materials are not acutely hazardous, and use of these common hazardous materials in small quantities would not represent a significant hazard to the public or environment. Additionally, project construction would be required to be undertaken in compliance with applicable federal, state, and local regulations pertaining to the proper use of these common hazardous materials. Operation of the project would include the use and storage of cleaning supplies for the residential uses and clubhouse building. However, these materials are not acutely hazardous, and the project would handle and store these materials consistent with all applicable regulations. Therefore, the project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials, and impacts would be less than significant.

b. Less Than Significant Impact

As described in Section 4.9(a) above, the project would handle all hazardous materials in accordance with all applicable federal, state, and local regulations. Furthermore, project construction would be conducted consistent with all applicable safety regulations and would not introduce accident conditions that could result in the release of hazardous materials into the environment. Therefore, the project would not create upset and accident conditions that could result in the release of hazardous materials, and impacts would be less than significant.

c. Less Than Significant Impact

The nearest schools to the project site are Hendrick Ranch Elementary School, located approximately 0.18 mile southwest of the project site, and Moreno Valley Christian School, located approximately 0.25 mile northwest of the project site. As stated in Section 4.9(a) above, operation of the apartment complex would not involve the use of substantial amounts of hazardous materials and would comply with all federal, state, and local regulations governing the storage and use of hazardous materials. Therefore, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school, and impacts would be less than significant.

d. Less Than Significant Impact

Geo Environ prepared a Phase I Environmental Site Assessment (ESA) for the project (Appendix H). The Phase I ESA conducted a search of hazardous materials databases, including the Environmental Protection Agency's National Priorities List of Superfund Sites, the Federal CERLIS List, Resource Conservation and Recovery Act Corrective Action Sites, Resource Conservation and Recovery Act non-Corrective Treatment, Storage or Disposal Facilities, California Regional Water Quality Control Board GeoTracker database, and California Department of Toxic Substances Control Site Mitigation and Brownfields Reuse Program's EnviroStor database, and California Environmental Protection Agency CERS HAZ WASTE List (see Appendix H).

The record search identified the following two properties within one mile of the project site listed on hazardous materials databases, none of which are located on the project site:

1. Moreno Valley Unified School District located 0.2 mile west-northwest of the project site was verified to be a federal hazardous waste non-generator and is listed with no violations.
2. Alessandro Administration Building Expansion located 0.2 mile west-northwest of the project site. The site received a "No Further Action" determination.

One of the properties listed above was confirmed a federal hazardous waste non-generator and the other received a "No Further Action" determination. Additionally, reconnaissance of the project site completed in support of the Phase I ESA did not observe any areas of sustained asphalt/ concrete or any areas of distressed vegetation that would be indicative of surface or shallow soil impacts. Similarly, no serious problems were observed with the site's hazardous waste handling, storage and disposal practices. Overall, the Phase I ESA did not identify any evidence of recognized environmental conditions in connection with the project site. Therefore, the project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 that would create a significant hazard to the public or the environment, and impacts would be less than significant.

e. No Impact

The nearest airport is the March Air Reserve Base (MARB), which is located approximately 2.8 miles southwest of the project site. Review of Map S-7 of the Safety Element of the City's 2040 General Plan determined that the project site is outside the Airport Influence Area Boundary for MARB (City of Moreno Valley 2021). Therefore, the project would not result in a safety hazard or excessive noise for people residing or working in the project area. No impact would occur.

f. Less Than Significant Impact

The project would be consistent with the existing land use designation for the site, and therefore would not generate vehicle trips beyond what is anticipated for the existing circulation network that could affect emergency access. The project would widen Alessandro Boulevard to two lanes, thereby providing increased vehicular capacity on the roadway. The project would also construct a driveway connection to Alessandro Boulevard and a gated emergency access driveway connection to Copper Cove Lane consistent with all applicable City safety requirements related to emergency access.

Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

g. Less Than Significant Impact

Review of Map S-5 of the Safety Element of the 2040 General Plan determined that the project site and surrounding area is not located in a High Fire Hazard Severity Zone (City of Moreno Valley 2021). Furthermore, the project site is located in an urbanizing area consisting primarily of developed land. Vacant land to the northeast and northwest are surrounded by urban uses and do not pose a threat related to wildland fires. Therefore, the project would not expose people or structures, either directly or indirectly, to significant risk of loss, injury, or death involving wildland fires, and impacts would be less than significant.

4.10 Hydrology and Water Quality

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner, which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:**a. Less Than Significant Impact**

Project construction would have the potential to generate erosion/sedimentation and pollutants that could impact water quality. However, the project would implement construction BMPs consistent with the requirements of the RWQCB-SAR and MVMC Chapter 8.10 that would minimize erosion and prevent pollution from affecting water quality. The Project Specific Water Quality Management Plan prepared for the project documented that stormwater runoff within the project site currently flows south towards Copper Cove Lane where it enters the existing storm drain system that outlets to the San Jacinto River and ultimately drains to Lake Elsinore (Appendix I). Stormwater would continue to flow south in the post-project condition and drain to an on-site stormwater collection system consisting of eleven bioretention basins that would treat stormwater and an underground detention basin. Runoff from the project site would sheet flow through concrete gutters to the bioretention basins, and excess overflow would then be conveyed to an underground detention basin. The underground detention basin would control flow rates before discharging runoff to Copper Cove Lane. The underground detention basin would utilize a parkway culvert to discharge runoff to Copper Cove Lane. Therefore, the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality, and impacts would be less than significant.

b. Less Than Significant Impact

Water services would be provided by Eastern Municipal Water District (EMWD), which utilizes imported water from Metropolitan Water District, as well as local potable groundwater and

desalinated groundwater, to provide water supply to the City. The 2020 Urban Water Management Plan prepared by EMWD anticipated that adequate water supplies would be available to meet future demand under all water year conditions from 2020 through 2045 (EMWD 2021). As described in Section 4.14(a) below, the project would accommodate population growth anticipated in the SCAG Connect SoCal Demographics and Growth Forecast, and therefore would be consistent with the growth projections utilized to forecast water supply demand in the 2020 Urban Runoff Management Plan. The project site is located within the San Jacinto Groundwater Basin. Although the project would increase the amount impervious surface on-site, landscaped areas would allow for continued groundwater recharge. Furthermore, water would continue to infiltrate through undeveloped land throughout the groundwater basin. Therefore, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge, and impacts would be less than significant.

c.i. Less Than Significant Impact

As described in Section 4.10(a) above, the project would implement construction BMPs consistent with the requirements of the RWQCB-SAR and MVMC Chapter 8.10 that would minimize erosion and prevent pollution from affecting water quality. Stormwater would continue to flow south in the post-project condition and drain to a stormwater collection system consisting of eleven bioretention basins and an underground detention basin that would manage stormwater flows. The Preliminary Hydrology Report prepared for the project determined that peak flows during the 10-year storm event would be reduced from 5.52 cubic feet per second (cfs) in the existing condition to 2.60 cfs in the post-project condition (Appendix J). The Preliminary Hydrology Report also determined that peak flows during the 100-year storm event would be reduced from 9.01 cfs in the existing condition to 6.62 cfs in the post-project condition (see Appendix J). Therefore, the project would not substantially alter the drainage pattern of the site or the surrounding area in a manner that could result in substantial erosion, runoff, impediment or redirection of flood flows, and impacts would be less than significant.

c.ii. Less Than Significant Impact

As described in Section 4.10(a) above, the project would implement construction BMPs consistent with the requirements of the RWQCB-SAR and MVMC Chapter 8.10 that would minimize erosion and prevent pollution from affecting water quality. Stormwater would continue to flow south in the post-project condition and drain to a stormwater collection system consisting of eleven bioretention basins and an underground detention basin that would manage stormwater flows. The Preliminary Hydrology Report prepared for the project determined that peak flows during the 10-year storm event would be reduced from 5.52 cfs in the existing condition to 2.60 cfs in the post-project condition. The Preliminary Hydrology Report also determined that peak flows during the 100-year storm event would be reduced from 9.01 cfs in the existing condition to 6.62 cfs in the post-project condition (see Appendix J). Therefore, the project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, and impacts would be less than significant.

c.iii. Less Than Significant Impact

As described in Section 4.10(a) above, the project would implement construction BMPs consistent with the requirements of the RWQCB-SAR and MVMC Chapter 8.10 that would minimize erosion and prevent pollution from affecting water quality. Stormwater would continue to flow south in the post-project condition and drain to a stormwater collection system consisting of eleven bioretention basins and an underground detention basin that would manage stormwater flows. The Preliminary Hydrology Report prepared for the project determined that peak flows during the 10-year storm event would be reduced from 5.52 cfs in the existing condition to 2.60 cfs in the post-project condition. The Preliminary Hydrology Report also determined that peak flows during the 100-year storm event would be reduced from 9.01 cfs in the existing condition to 6.62 cfs in the post-project condition (see Appendix J). Therefore, the project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and impacts would be less than significant.

c.iv. Less Than Significant Impact

Review of Figure 4.10-3 of the 2040 General Plan Final EIR determined that the project site is not located within a 100-year or 500-year flood zone designated by Federal Emergency Management Agency (City of Moreno Valley 2021). Additionally, peak flows during the 100-year storm event would be reduced from 9.01 cfs in the existing condition to 6.62 cfs in the post-project condition (see Appendix J). Therefore, the project would not impede or redirect flood flows, and impacts would be less than significant.

d. No Impact

The project site is not located within a dam inundation zone. The project site is located approximately 41 miles northeast of the Pacific Ocean, and therefore is not subject to risk associated with tsunami. The nearest body of water is Lake Perris (Perris Reservoir), located approximately 3.7 miles southeast of the project site. Given this distance of 3.7 miles, the project would not be affected by a seiche. Therefore, the project would not result in impacts associated with flood hazard, tsunami, or seiche zones. No impact would occur.

e. Less Than Significant Impact

As described in Section 4.10(a) above, the project would implement construction and operational BMPs that would prevent erosion and pollution from affecting water quality. As described in Section 4.10(b) above, the project would not decrease groundwater supplies or interfere with groundwater recharge. Therefore, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and impacts would be less than significant.

4.11 Land Use and Planning

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:

a. Less Than Significant Impact

The project is located within an urbanizing environment that consists of a mix of developed and undeveloped land. Existing residential development is located to the north across Alessandro Boulevard and to the south across Copper Cove Lane. The Moreno Hills Seventh-day Adventist Church is located along the eastern project boundary, followed by an undeveloped property that is planned for residential development further east. A mix of existing residential development and undeveloped land is located to the west, followed by a mobile home park further west. Undeveloped land is located to the northeast and northwest. The proposed apartment complex would be constructed entirely within the project site and would be consistent with surrounding properties and the overall existing and planned land use pattern. Changes to the existing circulation network would be limited to widening Alessandro Boulevard to two lanes, constructing a driveway connection to Alessandro Boulevard, and constructing a gated emergency access driveway connection to Copper Cove Lane. The project would connect to utilities that are already serving the surrounding development. Therefore, the project would not physically divide an established community, and impacts would not be significant.

b. Less Than Significant Impact

The project would be consistent with the existing Corridor Mixed Use (COMU) land use and zoning designation for the project site. As described in Section 4.4(a) above, the project would mitigate all potential impacts on biological resources to a level less than significant. As described in Section 4.8(a) above, the project would be consistent with the City's adopted CAP. As described throughout this Draft Initial Study/MND, all other impacts not requiring mitigation would be less than significant or would have no impact. Therefore, the project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant.

4.12 Mineral Resources

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXPLANATIONS:

a. No Impact

Review of Figure 4.12-1 of the City 2040 General Plan Update Final EIR determined that the project site is classified as Mineral Resource Zone 3, land for which the significance of mineral resources cannot be determined (City of Moreno Valley 2021). Land classified as Mineral Resource Zone 3 is not considered a significant mineral resource. Therefore, the project would not result in the loss of availability of known mineral resources that would be of value to the region and the residents of the state or of a locally important mineral resource recovery site. No impact would occur.

b. No Impact

There are no active mineral resource extraction facilities within the City, and the City's 2040 General Plan Update Final EIR does not identify the project site as an existing mineral resource recovery site (City of Moreno Valley 2021). No impact would occur.

4.13 Noise

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXPLANATIONS:

a. Less Than Significant Impact

RECON prepared a Noise Analysis for the project that evaluated potential impacts associated with noise (Appendix K).

Existing Conditions

Existing noise levels at the project site were measured at the locations shown in Figure 6 to obtain typical ambient noise levels at the project site and surrounding area. The results of the noise measurements are summarized in Table 12.

Image Source: NearMap (flown September 2022)



- Project Boundary
- Off-site Improvement Area
- Measurement Location



FIGURE 6
Noise Measurement Locations

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flaming Bay Apartment)

Measurement	Location	Time	Noise Sources	L _{eq}
1	50 feet south of Alessandro Boulevard	12:55 p.m. – 1:10 p.m.	Vehicle traffic on Alessandro Boulevard	60.9
2	50 feet north of Copper Cove Lane	12:22 p.m. – 12:37 p.m.	Vehicle traffic on Alessandro Boulevard and Copper Cove Lane	45.4

NOTE: Noise measurement data is contained in Appendix K, Attachment 1.

Construction Noise

Project construction noise would be generated by diesel engine-driven construction equipment used for site preparation and grading, building construction, loading, unloading, and placing materials and paving. Diesel engine-driven trucks also would bring materials to the site and remove the soils from excavation. Table 13 summarizes typical construction equipment noise levels.

Equipment	Noise Level at 50 Feet [dB(A) L _{eq}]	Typical Duty Cycle
Auger Drill Rig	85	20%
Backhoe	80	40%
Blasting	94	1%
Chain Saw	85	20%
Clam Shovel	93	20%
Compactor (ground)	80	20%
Compressor (air)	80	40%
Concrete Mixer Truck	85	40%
Concrete Pump	82	20%
Concrete Saw	90	20%
Crane (mobile or stationary)	85	20%
Dozer	85	40%
Dump Truck	84	40%
Excavator	85	40%
Front End Loader	80	40%
Generator (25 kilovolt amps or less)	70	50%
Generator (more than 25 kilovolt amps)	82	50%
Grader	85	40%
Hydra Break Ram	90	10%
Impact Pile Driver (diesel or drop)	95	20%
Insitu Soil Sampling Rig	84	20%
Jackhammer	85	20%
Mounted Impact Hammer (hoe ram)	90	20%
Paver	85	50%
Pneumatic Tools	85	50%
Pumps	77	50%
Rock Drill	85	20%
Roller	74	40%
Scraper	85	40%
Tractor	84	40%
Vacuum Excavator (vac-truck)	85	40%

Equipment	Noise Level at 50 Feet [dB(A) L_{eq}]	Typical Duty Cycle
Vibratory Concrete Mixer	80	20%
Vibratory Pile Driver	95	20%

SOURCE: Federal Highway Administration 2006.

During excavation, grading, and paving operations, equipment moves to different locations and goes through varying load cycles, and there are breaks for the operators and for non-equipment tasks, such as measurement. Although maximum noise levels may be 70 to 95 dB(A) at a distance of 50 feet during most construction activities, hourly average noise levels from the grading phase of construction would be 85 A-weighted decibels dB(A) equivalent noise level (L_{eq}) at 50 feet from the center of construction activity when assessing the loudest pieces of equipment—dozer, excavator, and loader—working simultaneously.

The project site is currently undeveloped and is surrounded by single-family residential uses to the north, south, and west, a church to the east, and a mobile home park beyond the single-family residential uses to the west. Additionally, multi-family residential uses are planned for the parcel east of the church. Undeveloped land is located to the northeast and northwest. Construction noise levels were modeled at these adjacent land uses assuming the simultaneous use of a dozer, excavator, and loader. The total combined noise level would be approximately 85 dB(A) L_{eq} at 50 feet which is equivalent to a sound power level (L_{pw}) of 116 dB(A) L_{pw} . Noise levels were modeled at a series of 14 receivers located at the adjacent uses. Construction activities are also anticipated to occur at the undeveloped lot east of the church. The exact timing of construction activities is not known at this time, however, in order to provide a worst-case cumulative analysis, noise levels due to simultaneous construction activity on both parcels were also calculated. The results are summarized in Table 14. Modeled receiver locations and construction noise contours are shown in Figure 7.

Receiver	Land Use	Construction Noise Level [dB(A) L_{eq}]	
		Project Only	Cumulative
1	Residential	64	67
2	Residential	68	69
3	Residential	70	70
4	Residential	69	69
5	Residential	65	65
6	Residential	62	63
7	Residential	72	72
8	Residential	68	68
9	Residential	71	71
10	Residential	61	62
11	Residential	63	64
12	Residential	64	65
13	Residential	63	65
14	Church	70	71

dB(A) L_{eq} = A-weighted decibels equivalent noise level

Image Source: NearMap (flown September 2022)



- Project Boundary
- Off-site Improvement Area
- Receivers

Construction Noise

- 60 dB(A) Leq
- 65 dB(A) Leq
- 70 dB(A) Leq
- 75 dB(A) Leq



FIGURE 7
Construction Noise Contours

As shown in Table 14, noise levels generated by project-related construction activities are projected to range from 61 to 72 dB(A) L_{eq} , and noise levels due to simultaneous construction activities at the project site and the parcel to the west would range from 62 to 72 dB(A) L_{eq} . The City does not specify a numerical noise level limit applicable to construction activities; however, the Federal Transit Administration's (FTA's) Transit Noise and Vibration Impact Assessment manual indicates that 80 dB(A) L_{eq} is reasonable criteria for assessing construction noise levels at residential uses (FTA 2018). Construction noise levels are not projected to exceed 80 dB(A) L_{eq} at the adjacent residential uses. Although the adjacent residences would be exposed to construction noise levels that could be heard above ambient conditions, the exposure would be temporary.

The City regulates construction noise through Sections 8.14.040I and 11.80.030(D)(7) of the MVMC by limiting construction activities to 7:00 a.m. to 7:00 p.m. from Monday through Friday excluding holidays and from 8:00 a.m. to 4:00 p.m. on Saturdays. Construction activities would only occur during the hours permitted under Sections 8.14.040I and 11.80.030(D)(7) of the MVMC. Therefore, on-site construction activities would not generate a substantial temporary increase in ambient noise levels, and impacts would be less than significant.

On-site Exterior Noise Compatibility

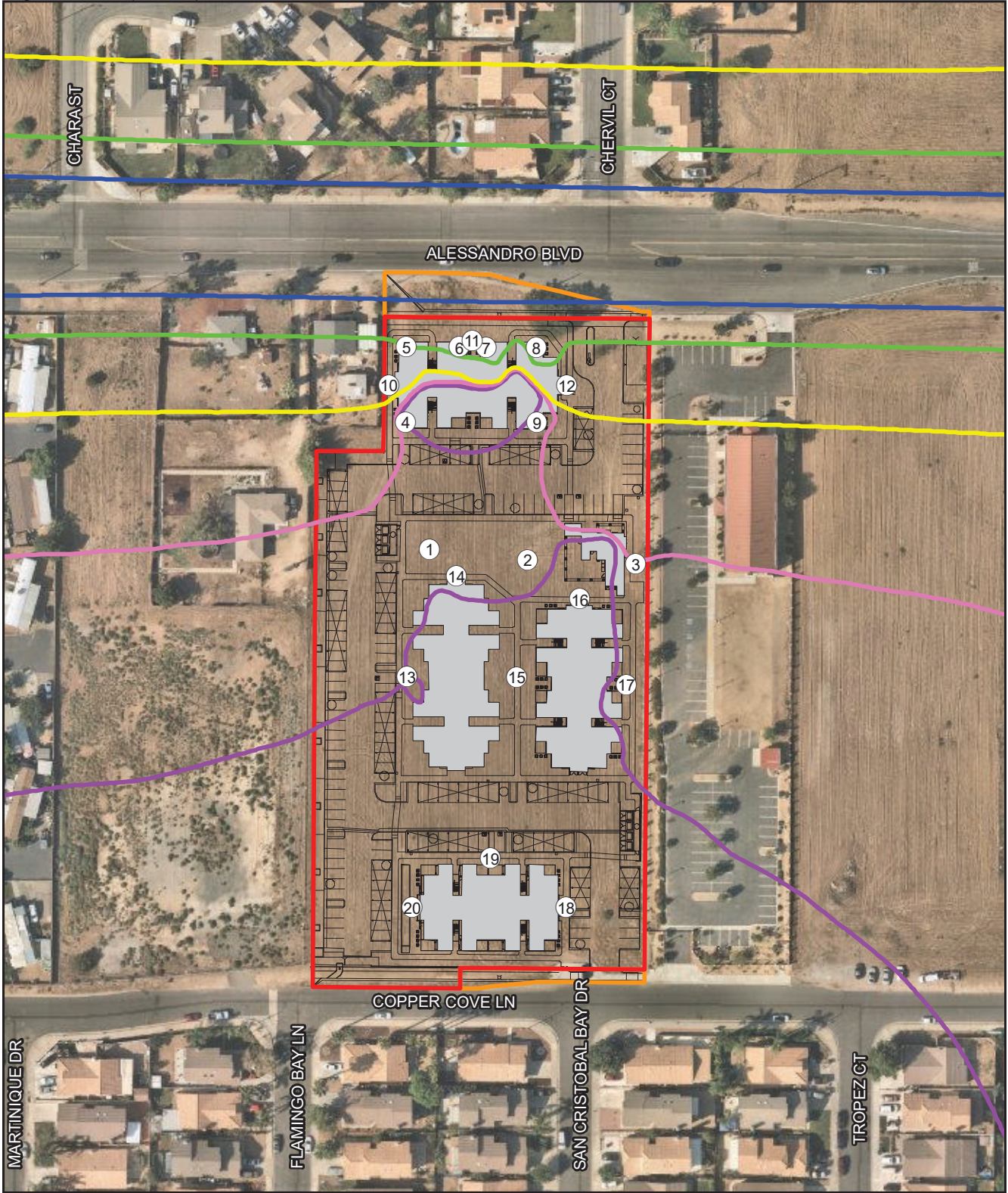
The Noise Element of the City's 2040 General Plan establishes noise level compatibility standards and interior noise standards to be used to guide land use planning decisions (City of Moreno Valley 2021). Per these standards, multi-family residential uses are "normally acceptable" with noise levels up to 65 community noise equivalent level (CNEL; "conditionally acceptable" with noise levels from 65 to 70 CNEL, "normally unacceptable with noise levels from 70 to 75 CNEL, and "clearly unacceptable" with noise levels above 75 CNEL. The interior noise level standard is 45 CNEL.

Figure 8 presents the vehicle traffic noise level contours across the project site were calculated for the project. As shown on Figure 8, noise levels are projected to be less than 65 CNEL across a majority of the project site. Noise levels are projected to exceed 65 CNEL at the northern project boundary. Ground floor noise levels at all proposed buildings are not projected to exceed 70 CNEL.

Noise levels were also modeled at the exterior use area (tot lot, pool, and dog park), at the balconies facing located closest to Alessandro Boulevard, and around the building façades. Noise levels were modeled at the exterior use area to determine exterior noise compatibility with City standards. Noise levels were modeled at balconies and building façades in order to determine the necessary noise reduction measures needed to reduce interior noise levels to 45 CNEL or less. Exterior noise levels are summarized in Table 15.

As shown in Table 15, exterior noise levels at the exterior use area (Receivers 1 through 3) would range from 52 to 55, which would be less than the City's "normally acceptable" compatibility standard of 65 CNEL. Therefore, the project would not be exposed to exterior noise levels in excess of standards established in the City's General Plan, and impacts would be less than significant.

Image Source: NearMap (flown September 2022)



- | | |
|---------------------------|------------------------------|
| Project Boundary | Vehicle Traffic Noise |
| Off-site Improvement Area | 50 CNEL |
| Receivers | 55 CNEL |
| Site Plan | 60 CNEL |
| Buildings | 65 CNEL |
| | 70 CNEL |



FIGURE 8
Vehicle Traffic Noise Contours

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flamingo Bay Apartment)

Receiver	Location	Exterior Noise Level (CNEL)		
		1 st Floor	2 nd Floor	3 rd Floor
1	Tot Lot	54	--	--
2	Pool	52	--	--
3	Dog Park	55	--	--
4	Building 1 Balcony	51	53	55
5	Building 1 Balcony	65	68	69
6	Building 1 Balcony	65	68	69
7	Building 1 Balcony	65	68	69
8	Building 1 Balcony	66	69	70
9	Building 1 Balcony	52	54	56
10	Building 1 Façade	62	65	66
11	Building 1 Façade	66	69	70
12	Building 1 Façade	62	65	67
13	Building 2 Façade	50	53	54
14	Building 2 Façade	55	58	59
15	Building 2/3 Façade	45	48	49
16	Building 3 Façade	50	53	57
17	Building 3 Façade	52	54	56
18	Building 4 Façade	49	52	54
19	Building 4 Façade	47	49	51
20	Building 4 Façade	48	50	52

On-site Interior Noise Compatibility

The interior noise level standard for residential uses is 45 CNEL. As shown in Table 15, exterior noise levels would range from 44 to 70 CNEL. Standard light-frame construction would reduce exterior to interior noise levels by at least 20 dB. This analysis conservatively assumes that standard construction techniques would achieve 20 dB exterior to interior noise reduction. Using this assumption, interior noise levels would be reduced to 45 CNEL or less in buildings exposed to exterior noise levels of 65 CNEL or less.

The sound transmission class (STC) rating of windows, walls, and roofs is an integer value that rates how well a building component attenuates noise. The STC rating general reflects the decibel reduction that a building component can achieve. Therefore, because a noise reduction of up to 25 dB(A) is required to achieve interior noise levels of 45 CNEL or less, building components with an STC rating of up to 25 are required. Standard walls and roofs typically have STC ratings greater than 40, therefore, this analysis focuses on the minimum required window STC ratings.

Table 16 summarizes the required composite STC ratings that need to be achieved in each location exceeding 65 CNEL. The provision of windows that have an STC equal to or greater than the values shown in Table 16 would be sufficient to reduce interior noise levels to 45 CNEL or less. Therefore, the project would not be exposed to interior noise levels in excess of standards established in the General Plan, and impacts would be less than significant.

Building	Maximum Exterior Noise Level (CNEL)	Required Window STC Rating
Building 1	70	25
Building 2	59	--
Building 3	57	--
Building 4	54	--
-- = Exterior noise levels are less than 65 CNEL, therefore, standard construction would reduce interior noise levels to less than 45 CNEL and windows with an increased STC rating would not be required.		

Off-site Vehicle Traffic Noise

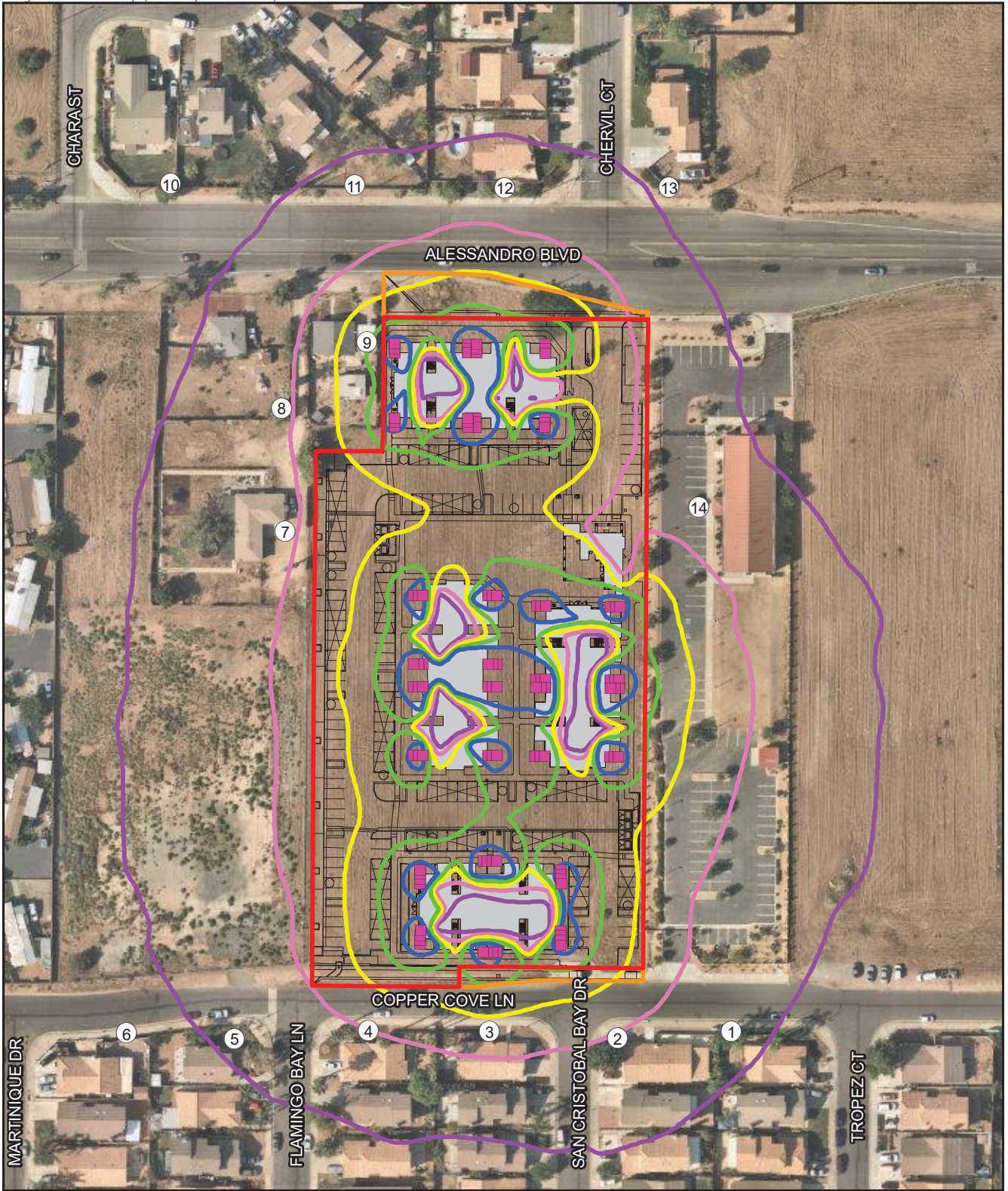
The project would increase traffic volumes on local roadways. However, the project would not substantially alter the vehicle classifications mix on local or regional roadways, nor would the project alter the speed on an existing roadway or create a new roadway. Thus, the primary factor affecting off-site noise levels would be increased traffic volumes. While changes in noise levels would occur along any roadway where project-related traffic occurs, for noise assessment purposes, noise level increases are assumed to be greatest nearest the project site, as this location would represent the greatest concentration of project-related traffic. A substantial noise increase is defined as an increase of 3 decibels (dB) above existing conditions.

Based on the ITE Trip Generation Manual, 11th Edition, the project would generate 6.74 weekday trips per unit for a total of 647 daily weekday trips (see Appendix L). Typically, a project would have to double the traffic volume on a roadway in order to have a significant direct noise increase of 3 dB or more or to be major contributor to the cumulative traffic volumes. An increase of 647 trips on Alessandro Boulevard would result in a noise increase of 0.4 dB, and an increase of 647 trips on Lasselle Street would result in a noise increase of 0.5 to 0.6 dB. These would not be audible changes in noise levels. Therefore, operational roadway noise would not generate a substantial permanent increase in ambient noise levels for off-site noise sensitive land uses, and impacts would be less than significant.

On-site Generated Noise

The primary source of on-site noise would be heating, ventilation, and air conditioning (HVAC) equipment. Noise levels associated with HVAC equipment were modeled at a series of 14 receivers located at the adjacent uses. Modeled receivers and HVAC noise contours are shown in Figure 9, and future projected noise levels are presented in Table 17.

Image Source: NearMap (flown September 2022)



- Project Boundary
 - Off-site Improvement Area
 - Receivers
 - HVAC
 - Site Plan
 - Buildings
-
- HVAC Noise**
- 40 dB(A) L_{eq}
 - 45 dB(A) L_{eq}
 - 50 dB(A) L_{eq}
 - 55 dB(A) L_{eq}
 - 60 dB(A) L_{eq}



FIGURE 9
HVAC Noise Contours

Table 17 HVAC Noise Levels at Adjacent Property Lines [dB(A) L_{eq}]			
Receiver	Land Use	Applicable Limit Daytime/Nighttime ¹	HVAC Noise Level
1	Residential	60/55	41
2	Residential	60/55	45
3	Residential	60/55	48
4	Residential	60/55	45
5	Residential	60/55	41
6	Residential	60/55	39
7	Residential	60/55	45
8	Residential	60/55	44
9	Residential	60/55	55
10	Residential	60/55	37
11	Residential	60/55	41
12	Residential	60/55	42
13	Residential	60/55	39
14	Church	65/60	43

dB(A) L_{eq} = A-weighted decibels equivalent noise level
¹Refer to Appendix K, Section 2.2.1.

As shown in Table 17, HVAC noise levels are anticipated to range from 37 to 55 dB(A) L_{eq} , which would not exceed the applicable limits as specified in Section 11.80.030(C) of the MVMC. Therefore, operational HVAC noise would not generate a substantial permanent increase in ambient noise levels in excess of limits established in the MVMC, and impacts would be less than significant.

b. Less Than Significant Impact

Human reaction to vibration is dependent on the environment the receiver is in, as well as individual sensitivity. For example, vibration outdoors is rarely noticeable and generally not considered annoying. Typically, humans must be inside a structure for vibrations to become noticeable and/or annoying. Based on several federal studies, the threshold of perception is 0.035 inch per second (in/sec) peak particle velocity (PPV), with 0.24 in/sec PPV being a distinctly perceptible (California Department of Transportation 2013). The City's 2040 General Plan Final EIR established a threshold that vibration levels shall not exceed FTA architectural damage thresholds (e.g., 0.12 in/sec PPV for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry).

Construction activities produce varying degrees of ground vibration, depending on the equipment and methods employed. While ground vibrations from typical construction activities very rarely reach levels high enough to cause damage to structures, special consideration must be made when sensitive or historic land uses are near the construction site. The construction activities that typically generate the highest levels of vibration are blasting and impact pile driving and the use of a vibratory roller. However, the project would not require blasting, pile driving, or vibratory rollers. The largest piece of vibration-generating equipment that could be used for project construction is a large bulldozer. Large bulldozers generate a vibration level of 0.089 in/sec PPV at 25 feet. The nearest receptors are the residential uses located approximately 40 feet south of the southern project

boundary and the church located approximately 70 feet east of the eastern project boundary. A vibration level of 0.089 in/sec PPV at 25 feet would be 0.53 in/sec PPV at 40 feet and 0.029 in/sec PPV at 70 feet. These vibration levels would be less than the FTA thresholds. Additionally, construction equipment would move throughout the entire site and would only be located near the project boundaries for short periods of time. Thus, vibration levels at the receptors located near the project boundaries would be less than these maximum levels for a majority of the construction period. Although vibration levels may be perceptible for short periods of time, maximum vibration levels would not exceed FTA thresholds. Therefore, project construction would not generate excessive ground borne vibration or ground borne noise levels, and impacts would be less than significant. Once operational, the project would not be a source of ground borne vibration or ground borne noise.

c. No Impact

The project site is not located within the vicinity of a private airstrip. The nearest airport is MARB, which is located approximately 2.8 miles southwest of the project site. Review of Map S-7 of the 2040 General Plan Safety Element determined that the project site is outside the Airport Influence Area Boundary for MARB. Therefore, the project would not expose people residing or working in the area to excessive aircraft noise levels. No impact would occur.

4.14 Population and Housing

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXPLANATIONS:

a. Less Than Significant Impact

The project would construct a 96-unit apartment complex consisting of 48 one-bedroom apartments and 48 two-bedroom apartments. According to the U.S. Census Bureau, the population of the city

in 2020 was 208,634 (U.S. Census Bureau 2020). The SCAG Connect SoCal Demographics and Growth Forecast projects that the city’s population would increase by approximately 58,188 people to 266,800 by the year 2045 (SCAG 2020). The SCAG 2019 Local Profile of the city indicates the average household size is 3.9 persons. The project is anticipated to house approximately 375 persons, which would be less than the total anticipated population growth of 58,188 people within the City by 2045. Therefore, the project would accommodate population growth that is already anticipated within the city.

Additionally, the project would contribute to the housing needs within the city, which was identified as 13,596 housing units in the SCAG 6th Cycle Regional Housing Needs Assessment Allocation Plan. Therefore, the project would not induce substantial unplanned population growth, either directly or indirectly, impacts would be less than significant.

b. No Impact

The project site is vacant and does not possess any residential structures. Therefore, the project would not displace substantial numbers of existing people or housing or require the construction of replacement housing. No impacts would occur.

4.15 Public Services

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:**a.i. Less Than Significant Impact**

Fire protection services would be provided by the Moreno Valley Fire Department, which contracts with the Riverside County Fire Department for local fire protection services. The fire station located nearest to the project site is Morrison Park Fire Station 99, located at 13400 Morrison Street, which is approximately one mile from the project site. Therefore, Fire Station 99 would serve the project site. The project would be consistent with the existing land use designation for the site, and therefore would accommodate anticipated population growth and would be consistent with planning projections for future fire protection facilities within the city. Furthermore, the project would be required to pay development impact fees (DIFs) that would contribute the project's fair share towards the funding of future fire protection facilities. Therefore, the project would not result in the need for new or altered fire protection facilities, and impacts would be less than significant.

a.ii. Less Than Significant Impact

Police services would be provided by the Moreno Valley Police Department (MVPD), which contracts with the Riverside County Sheriff's Department. The MVPD is located at 22850 Calle San Juan de Los Lagos in the city's Civic Center, which is approximately 3.2 miles from the project site. Therefore, the MVPD would be able to serve the project site. The project would be consistent with the existing land use designation for the site, and therefore would accommodate anticipated population growth and would be consistent with planning projections for future fire protection facilities within the City. Furthermore, the project would be required to pay DIFs that would contribute the project's fair share towards the funding of future fire protection facilities. Therefore, the project would not result in the need for new or altered police protection facilities, and impacts would be less than significant.

a.iii. Less Than Significant Impact

The project would construct an 88-unit apartment complex that would generate school-aged children within the boundaries of the Moreno Valley Unified School District. However, the project would pay DIFs that would contribute the project's fair share towards the funding of future schools. Furthermore, the project would be consistent with the existing land use designation for the site, and therefore would accommodate anticipated population growth and would be consistent with planning projections for future schools within the city. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, and impacts would be less than significant.

a.iv. Less Than Significant Impact

The project would be consistent with the existing land use designation for the site, and therefore would accommodate anticipated population growth and would be consistent with planning projections for future parks within the city. Additionally, the project would be required to pay DIFs to contribute the project's fair share towards the funding of future park facilities. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered parks and recreation facilities, and impacts would be less than significant.

a.v. Less Than Significant Impact

The project would result in an increase in residents that would generate additional demand for public facilities such as libraries or hospitals. However, the project would be required to pay DIFs to contribute the project’s fair share funding of future facilities. The project would be consistent with the existing land use designation for the site, and therefore would accommodate anticipated population growth and would be consistent with planning projections for future facilities within the City. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities, and impacts would be less than significant.

4.16 Recreation

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:

a. Less Than Significant Impact

The project would be consistent with the existing land use designation for the site, and therefore would accommodate anticipated population growth and would be consistent with planning projections for future parks within the City. Additionally, the project would be required to pay DIFs that would contribute the project’s fair share towards the funding of future park facilities. Therefore, the project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, and impacts would be less than significant.

b. Less Than Significant

The project would include on-site recreational amenities including a clubhouse, pool, dog park, and tot lot. These amenities would be located entirely within the project footprint. Consequently,

potential impacts associated with proposed on-site recreation facilities have been considered within this environmental document. Therefore, the project would not have adverse physical effect on the environment caused by expansion or construction of recreational facilities, and impacts would be less than significant.

4.17 Transportation/Traffic

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:

a. Less Than Significant Impact

The project would be consistent with the existing land use designation for the site, and therefore would not generate vehicle trips beyond what is anticipated for the existing circulation network. The project would widen Alessandro Boulevard to two lanes while maintaining access for existing and planned bicycle lanes along Alessandro Boulevard. The project would also improve pedestrian access by constructing sidewalks along project roadway frontages. The project would not physically impact any bus stops located along Alessandro Boulevard. Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and impacts would be less than significant.

b. Less Than Significant Impact

In September 2013, the Governor's Office signed SB 743 into law, starting a process that identified VMT as the most appropriate CEQA transportation metric. Effective July 1, 2020, the VMT guidelines became applicable statewide, and are documented in CEQA Guidelines Section 15064.3 Determining the Significance of Transportation Impacts. The City has adopted criteria for evaluating VMT impacts under CEQA including the preferred analysis methodology and thresholds of significance. The criteria are included in the City's Transportation Impact Analysis Preparation Guide for Vehicle Miles Traveled and Level of Service Assessment (June 2020). Per the City's guidelines, the first step in the process is to conduct a screening assessment to determine if a VMT analysis would be required. A Traffic Scoping Agreement was prepared for the project that included a VMT screening assessment for both project parcels (Assessor's Parcel Numbers 484-030-026 and 484-030-013) (see Appendix L). The screening analysis compared several projected VMT metrics within the project's Traffic Analysis Zone (TAZ) to the jurisdictional average. Tables 18 and 19 present the results of the VMT screening analysis for both project parcels.

Table 18 VMT Screening Assessment: Assessor's Parcel Number 484-030-026		
	Jurisdictional Average VMT	Project TAZ VMT
Daily Total VMT	24.49	17.48
Residential Home-Based VMT	12.79	11.09
Home-Based Work VMT	11.01	6.11
SOURCE: Appendix L		

Table 19 VMT Screening Assessment: Assessor's Parcel Number 484-030-013		
	Jurisdictional Average VMT	Project TAZ VMT
Daily Total VMT	24.49	17.48
Residential Home-Based VMT	12.79	11.09
Home-Based Work VMT	11.01	6.11
SOURCE: Appendix L		

As shown in Tables 18 and 19, the project TAZ VMT values for both project parcels would be lower for all three categories compared to the jurisdictional average. Based on the results of this analysis, the project screened out of the requirement for a VMT analysis, and it is expected that the project would result in a less than significant impact related to VMT without conducting a detailed study. Therefore, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), and impacts would be less than significant.

c. Less Than Significant Impact

The project would widen Alessandro Boulevard to two lanes, construct a driveway connection to Alessandro Boulevard, and construct a gated emergency access driveway connection to Copper Cove Lane. All of these roadway improvements would be constructed consistent with all applicable City roadway requirements. Therefore, the project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, and impacts would be less than significant.

d. Less Than Significant Impact

The project would be consistent with the existing land use designation for the site, and therefore would not generate vehicle trips beyond what is anticipated for the existing circulation network that could delay emergency access. The project would widen Alessandro Boulevard to two lanes, thereby providing increased vehicular capacity on the roadway. The driveway connection to Alessandro Boulevard and gated emergency access driveway connection to Copper Cove Lane would be constructed consistent with all applicable City safety requirements related to emergency access. Therefore, the project would not result in inadequate emergency access to or from the project site, and impacts would be less than significant.

4.18 Tribal Cultural Resources

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:

a.i. No Impact

The City initiated consultation with California Native American tribes traditionally and culturally affiliated with the project area who have requested consultation consistent with the requirements of AB 52. The City received responses from the following tribes:

1. Agua Caliente Band of Cahuilla Indians
2. Pechanga Band of Luiseño Indians
3. Rincon Band of Luiseño Indians
4. Yuhaaviatam of San Manuel Nation

All four tribes requested tribal consultation to evaluate the potential for the project to impact tribal cultural resources. As described in Section 4.5(a) above, the previously recorded cultural resource mapped within the APE does not meet the eligibility criteria under CEQA, nor any of the local regulation guidelines. The NAHC search of their Sacred Lands File to identify any spiritually significant and/or sacred sites or traditional use areas in the project vicinity were negative. An on-foot survey was conducted by RECON and a representative from the Pechanga Band of Luiseño Indians. No previously unrecorded significant or potentially significant prehistoric or historic cultural resources were observed during the survey of the APE. Therefore, the project would not cause a substantial adverse change to a tribal cultural resource that would qualify or be eligible for listing in the California Register of Historical Resources or the local register of historical resources in accordance with the Public Resources Code Section 5020.1(k). No impact would occur.

a.ii. Potentially Significant Unless Mitigation Incorporated

The Agua Caliente Band of Cahuilla Indians, Pechanga Band of Luiseño Indians, and Rincon Band of Luiseño Indians requested consultation in order to evaluate the potential for the project to impact tribal cultural resources. The Pechanga Band of Luiseño Indians requested that a cultural monitor be on-site for ground-disturbing activities. The Yuhaaviatam of San Manuel Nation (YSMN) requested consultation as well, and also requested that in the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find shall cease and appropriate measures are implemented to assess the find. The YSMN also requested that the San Manuel Band of Mission Indians Cultural Resources Department be contacted about the inadvertent discovery and be provided information regarding the nature of the find, so they may provide tribal input with regards to significance and treatment. Therefore, the project would have the potential to unearth previously unknown tribal cultural resources, which would be considered a significant impact (Impact TCR-1). Implementation of MM-TCR-1 through MM-CUL-9 would reduce impacts to a level less than significant.

MM-TCR-1 Archaeological Monitoring

Prior to the issuance of a grading permit, the applicant shall retain a professional archaeologist to conduct monitoring of all ground disturbing activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s) including the Pechanga Band of Luiseño Indians, the Contractor, and the City, shall develop a Cultural Resource Monitoring Plan (CRMP) as defined in MM-TCR-3. The Project Archeologist shall attend the pre-grading meeting with the City, the Construction Manager, and any contractors, and will conduct a mandatory Cultural Resources Worker Sensitivity Training for those in attendance. The Archaeological Monitor shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed.

MM-TCR-2: Native American Monitoring

Prior to the issuance of a grading permit, the Developer shall secure agreements with the Pechanga Band of Luiseño Indians for tribal monitoring. The City is also required to provide a minimum of 30 days' advance notice to the tribes of all ground disturbing activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, the City, the Construction Manager, and any contractors, and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.

MM-TCR-3: Cultural Resource Monitoring Plan

The Project Archaeologist, in consultation with the Consulting Tribe(s), the Contractor, and the City, shall develop a CRMP in consultation pursuant to the definition in AB 52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A Consulting Tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the

project, has not opted out of the AB 52 consultation process, and has completed AB 52 consultation with the City as provided for in California Public Resources Code Section 21080.3.2(b)(1) of AB 52. Details in the CRMP shall include:

- a. Project description and location;
- b. Project grading and development scheduling;
- c. Roles and responsibilities of individuals on the project;
- d. The pre-grading meeting and Cultural Resources Worker Sensitivity Training details;
- e. The protocols and stipulations that the contractor, City, Consulting Tribe(s), and Project Archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation;
- f. The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items;
- g. Contact information of relevant individuals for the project.

MM-TCR-4: Cultural Resource Disposition

In the event that Native American cultural resources are discovered during the course of ground disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

- a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department:
 - i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources.
 - ii. On-site reburial of the discovered items as detailed in the treatment plan required pursuant to MM-TCR-1. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments as defined in MM-TCR-3. The location for the future reburial area shall be identified on a confidential exhibit on file with the City, and concurred to by the Consulting Native American Tribal Governments prior to certification of the environmental document.

MM-TCR-5: Grading Plan Notes

The City shall verify that the following note is included on the Grading Plan:

If any suspected archaeological resources are discovered during ground-disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius

around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find.

MM-TCR-6: Inadvertent Finds

If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 Code of Federal Regulations 61), Tribal Representatives, and all site monitors per the mitigation measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional archeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer and any and all Consulting Native American Tribes as defined in MM-TCR-2 before any further work commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in consultation with the tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.

MM-TCR-7: Human Remains

If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California NAHC shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the "most likely descendant." The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98) (General Plan Objective 23.3, CEQA).

MM-TCR-8: Non-Disclosure of Reburial Locations

It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).

MM-TCR-9: Archeology Report - Phase III and IV

Prior to final inspection, the developer/permit holder shall prompt the Project Archeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV

Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center at the University of California Riverside, and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).

4.19 Utilities and Service Systems

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flamingo Bay Apartment)

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local statutes and regulation related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:**a. Less Than Significant Impact**

Water services would be provided by EMWD. The 2020 Urban Water Management Plan prepared by EMWD anticipated that adequate water supplies would be available to meet future demand under all water year conditions from 2020 through 2045 (EMWD 2021a). As described in Section 4.14(a) above, the project would accommodate population growth anticipated in the SCAG Connect SoCal Demographics and Growth Forecast, and therefore would be consistent with the growth projections utilized to forecast water supply demand in the EMWD 2020 Urban Runoff Management Plan. Consequently, the project would not require construction of any off-site water facilities. Existing water service lines are available adjacent to the site, and improvements would be limited to extension of pipelines onto the project site. Consequently, potential impacts associated with construction of new or expanded water facilities would only occur on-site and have been considered as part project construction within this environmental document and would be less than significant.

Wastewater treatment services would be provided by EMWD, which operates the Moreno Valley Regional Water Reclamation Facility. The Moreno Valley Regional Water Reclamation Facility currently treats approximately 11.5 million gallons of wastewater per day and has an excess capacity of 4.5 million gallons per day (EMWD 2021b). As described in Section 4.14(a) above, the project would accommodate population growth anticipated in the SCAG Connect SoCal Demographics and Growth Forecast, and therefore would be consistent with the growth projections utilized to forecast wastewater demand. Consequently, the project would not require construction of any off-site wastewater facilities. Existing wastewater service lines are available adjacent to the site, and improvements would be limited to extension of pipelines onto the project site. Consequently, potential impacts associated with construction of new or expanded wastewater facilities would only occur within the project site and have been considered as part of project construction within this environmental document and would be less than significant.

As described in Section 4.10(c.i), the project would introduce an on-site stormwater collection system consisting of eleven bioretention basins and an underground detention basin that would manage stormwater flows. The Preliminary Hydrology Report prepared for the project determined that peak flows during the 10-year storm event would be reduced from 5.52 cfs in the existing condition to

2.60 cfs in the post-project condition. The Preliminary Hydrology Report also determined that peak flows during the 100-year storm event would be reduced from 9.01 cfs in the existing condition to 6.62 cfs in the post-project condition (see Appendix J). Consequently, the project would not require construction or expansion of existing off-site stormwater facilities. The proposed on-site biofiltration basins, pump station, and inlet structure would be located within the project footprint. Consequently, potential impacts associated with construction of the proposed on-site stormwater facilities have been considered within this environmental document. Therefore, the project would not require construction of off-site storm water drainage facilities or expansion of existing facilities, and impacts would be less than significant.

As described in Section 4.14(a) above, the project would accommodate population growth anticipated in the SCAG Connect SoCal Demographics and Growth Forecast, and therefore would be consistent with the growth projections utilized to forecast demand for electric power, natural gas, and telecommunications, and would not require the construction of any off-site facilities. Existing electric power, natural gas, and telecommunications lines are available adjacent to the site, and improvements would be limited to extension of utilities onto the project site. Consequently, potential impacts associated with required on-site electric power, natural gas, and telecommunications facilities have been considered as part of the project construction within this environmental document, and impacts related to their construction would be less than significant.

Overall, the project would not require or result in the construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, and impacts would be less than significant.

b. Less Than Significant Impact

As described in Section 4.19(a) above, the project would accommodate population growth anticipated in the SCAG Connect SoCal Demographics and Growth Forecast, and therefore would be consistent with the growth projections utilized to forecast water supply demand in the EMWD 2020 Urban Runoff Management Plan (EMWD 2021a). Therefore, sufficient water supplies would be available to serve the project, and impacts would be less than significant.

c. Less Than Significant Impact

As described in Section 4.19(a) above, the Moreno Valley Regional Water Reclamation Facility currently treats approximately 11.5 million gallons of wastewater per day and has an excess capacity of 4.5 million gallons per day (EMWD 2021b). The project would accommodate population growth anticipated in the SCAG Connect SoCal Demographics and Growth Forecast, and therefore would be consistent with the growth projections utilized to forecast wastewater demand. Therefore, the project would not exceed existing wastewater treatment capacity, and impacts would be less than significant.

d. Less Than Significant Impact

The majority of solid waste generated within the city is disposed of at the Badlands Landfill, which has a remaining disposal capacity of 7,800,000 cubic yards (CalRecycle 2022a). Additionally, solid waste is disposed of at the El Sobrante Landfill, which has a remaining disposal capacity of 3,834,470 cubic yards (CalRecycle 2022b), as well as the Lamb Canyon Landfill, which has a remaining disposal

capacity of 19,242,950 cubic yards (CalRecycle 2022c). Construction and operation of the project would not exceed the remaining capacity of these three landfills. The project would complete and submit a Waste Management and Recycling Plan for approval consistent with the requirements of the City’s building code prior to issuance of building permits. The Waste Management and Recycling Plan would identify the project type and estimate the amount of materials to be recycled during construction. The project would also be required to complete a Diversion Report for review by the City’s Building Department to demonstrate that the project recycled a minimum of 50 percent of its construction waste. Therefore, the project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, and impacts would be less than significant.

e. Less Than Significant Impact

As described in Section 4.19(d) above, the project would complete and submit a Waste Management and Recycling Plan for approval consistent with the requirements of the City’s building code. The project would also complete a Diversion Report for review by the City’s Building Department to demonstrate that the project recycled a minimum of 50 percent of its construction waste. Additionally, the project would implement organic waste recycling programs consistent with the requirements of AB 1826 and SB 1383. Therefore, the project would comply with federal, state, and local statutes and regulation related to solid waste, and impacts would be less than significant.

4.20 Wildfire

Would the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:

a. Less Than Significant Impact

The project would be consistent with the existing land use designation for the site, and therefore would not generate vehicle trips beyond what is anticipated for the existing circulation network that could delay emergency access. The project would widen Alessandro Boulevard to two lanes, thereby providing increased vehicular capacity on the roadway. The project would construct a driveway connection to Alessandro Boulevard and a gated emergency access driveway connection to Copper Cove Lane consistent with all applicable City safety requirements related to emergency access. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

b. Less Than Significant Impact

As described in Section 4.9(g) above, review of Map S-5 of the City’s 2040 General Plan Update Safety Element determined that the project is not located in a High Fire Hazard Severity Zone (City of Moreno Valley 2021). The project site and surrounding area are relatively flat and do not possess any slopes that could result in post-fire landslides. Furthermore, the project site is located in an urbanizing area consisting primarily of developed land. Vacant land to the northeast and northwest are surrounded by urban uses and do not pose a threat related to wildland fires. Therefore, there are no characteristics of the surrounding environment that would exacerbate wildfire risks, and impacts would be less than significant.

c. Less Than Significant Impact

As described in Section 4.19(a) above, the project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. Additionally, the

project would not require construction or maintenance of any other infrastructure facilities. Therefore, the project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk, and impacts would be less than significant.

d. Less Than Significant Impact

Review of Map S-4 in the Safety Section of the City’s 2040 General Plan Update determined that the project site is not located within a Flood Hazard Area (City of Moreno Valley 2021). Furthermore, the project site and surrounding area are relatively flat and do not possess any slopes that could result in post-fire landslides. Therefore, the project would not expose people or structures to significant risks from runoff, post-fire slope instability, or drainage changes. No impact would occur.

4.21 Mandatory Findings of Significance

Does the project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable futures projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS:**a. Potentially Significant Unless Mitigation Incorporated**

As described in Section 4.4(a), implementation of mitigation measures MM-BIO-1 through MM-BIO-3 would reduce impacts on sensitive wildlife species to a level less than significant. The project does not have the potential to result in any other impacts that would substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. As described in Section 4.18(a.ii) above, implementation of mitigation measures MM-TRC-1 through MM-TRC-9 would reduce potential impacts on unknown tribal cultural resources to a level less than significant.

b. Potentially Significant Unless Mitigation Incorporated

As described in the Draft IS/MND, all potential impacts would be mitigated to a level less than significant. Air quality is a regional issue and the cumulative study area for air quality impacts encompasses the SoCAB as a whole. Therefore, the cumulative analysis addresses regional air quality plans and policies, such as the NAAQS, CAAQS, and SCAQMD 2016 AQMP as well as the project's contribution to a net increase of any criteria pollutant for which the SoCAB is listed as a non-attainment area. As described in Section 4.3(a) above, the project would not exceed the growth forecasting used to develop the 2016 AQMP, and construction and operational emissions would not exceed the SCAQMD recommended regional or localized screening thresholds. Therefore, the project would not conflict with or obstruct implementation of applicable air quality plans, and air quality impacts would be cumulatively less than significant. As described in Section 4.4(a), implementation of mitigation measures MM-BIO-1 through MM-BIO-3 would reduce impacts on sensitive wildlife species to a level less than significant. Implementation of MM-BIO-1 through MM-BIO-3 would also ensure consistency with the MSHCP, which is a regional resource conservation document. Projects that are consistent with the MSHCP would not contribute a cumulative impact to biological resources. As described in Section 4.8 above, would be consistent with the City's CAP, which is a qualified GHG reduction plan that is consistent with the regional 2017 Scoping Plan as well as all applicable Connect SoCal strategies. Therefore, the project would not conflict with an applicable local plan, policy, or regulation adopted for the purpose of reducing GHG emissions, and impacts would be cumulatively less than significant. As described in Section 4.18(a.ii) above, implementation of mitigation measures MM-TRC-1 through MM-TRC-9 would reduce potential impacts on unknown tribal cultural resources to a level less than significant. As described throughout the Draft IS/MND, all other project-level impacts would be less than significant without mitigation. Therefore, the

project would not result in any project-level significant impacts that could contribute to an existing cumulative impact on the environment.

c. Less Than Significant Impact

As described in Sections 4.1 through 4.20, the project would not result in any substantial adverse direct or indirect impacts to human beings. Therefore, impacts would be less than significant.

5.0 Mitigation, Monitoring, and Reporting Program

Section 21081.6 of the CEQA Guidelines requires that a Mitigation, Monitoring, and Reporting Program (MMRP) be adopted upon certification of an EIR or adoption of a MND to ensure that the mitigation measures are implemented. The MMRP specifies the mitigation for the project, when in the process it should be accomplished, and the entity responsible for implementing and/or monitoring the mitigation. Public Resources Code Section 21081.6 requires monitoring of only those impacts identified as significant or potentially significant. After analysis, potentially significant impacts requiring mitigation were identified for biological resources and tribal cultural resources. The MMRP is presented below in Table 20.

Table 20 Mitigation, Monitoring, and Reporting Program			
Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/Initials
Biological Resources			
MM-BIO-1: Burrowing Owl Due to the presence of suitable burrows and prey species identified on site, prior to project construction, 30-day preconstruction surveys following the protocol established in the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area shall be conducted in accordance with the requirements of the MSHCP (WRCRCA 2006). Take of active nests shall be avoided. If burrowing owls are detected, the WRCRCA, and CDFW shall be notified in 48 hours. A burrowing owl relocation plan for active or passive relocation will be required to be developed and is subject to review and approval by WRCRCA and CDFW.	Prior to Construction	Applicant/ Qualified Biologist	
MM-BIO-2: Migratory and Nesting Birds To remain in compliance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3503.5, no direct impacts shall occur to any nesting birds, their eggs, chicks, or nests. If vegetation removal activities were to occur during the bird breeding season of February 1 to September 15, a qualified biologist will conduct pre-construction surveys no more than three days prior to the commencement of project activities to identify locations of nests. If nests or breeding activities are located in the project area, a qualified biologist shall establish a clearly marked appropriate exclusionary buffer or other avoidance and minimization measures around the nest. Avoidance and minimization measures shall be maintained until the young have fledged and no further nesting is detected. If no nesting birds are detected during the pre-construction survey, no further measures are required.	Prior to Construction	Applicant/ Qualified Biologist	

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flamingo Bay Apartment)

Table 20 Mitigation, Monitoring, and Reporting Program			
Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/Initials
<p>MM-BIO-3: Stephens' Kangaroo Rat Fee Area Prior to the issuance of a development permit, the applicant shall pay an impact and mitigation fee of \$500 per gross acre for impacts to 4.07 acres within the Stephens' Kangaroo Rat fee area. This mitigation fee is intended to include all impacts located within the parcel to be developed and the area disturbed by related off-site improvements</p>	Prior to Construction	Applicant/ Qualified Biologist	
Tribal Cultural Resources			
<p>MM-TCR-1 Archaeological Monitoring Prior to the issuance of a grading permit, the applicant shall retain a professional archaeologist to conduct monitoring of all ground disturbing activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s) including the Pechanga Band of Luiseño Indians, the Contractor, and the City, shall develop a Cultural Resource Monitoring Plan (CRMP) as defined in MM-TCR-3. The Project Archeologist shall attend the pre-grading meeting with the City, the Construction Manager, and any contractors, and will conduct a mandatory Cultural Resources Worker Sensitivity Training for those in attendance. The Archaeological Monitor shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed.</p>	Prior to Construction	Applicant/ Qualified Archaeologist	
<p>MM-TCR-2: Native American Monitoring Prior to the issuance of a grading permit, the Developer shall secure agreements with the Pechanga Band of Luiseño Indians for tribal monitoring. The City is also required to provide a minimum of 30 days' advance notice to the tribes of all ground disturbing activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, the City, the Construction Manager, and any contractors, and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.</p>	Prior to Construction	Applicant/ Qualified Archaeologist	

Table 20 Mitigation, Monitoring, and Reporting Program			
Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/Initials
<p>MM-TCR-3: Cultural Resource Monitoring Plan</p> <p>The Project Archaeologist, in consultation with the Consulting Tribe(s), the Contractor, and the City, shall develop a CRMP in consultation pursuant to the definition in AB 52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A Consulting Tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the project, has not opted out of the AB 52 consultation process, and has completed AB 52 consultation with the City as provided for in California Public Resources Code Section 21080.3.2(b)(1) of AB 52. Details in the CRMP shall include:</p> <ul style="list-style-type: none"> a. Project description and location; b. Project grading and development scheduling; c. Roles and responsibilities of individuals on the project; d. The pre-grading meeting and Cultural Resources Worker Sensitivity Training details; e. The protocols and stipulations that the contractor, City, Consulting Tribe(s), and Project Archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation; f. The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items; g. Contact information of relevant individuals for the project. 	Prior to Construction	Applicant/Qualified Archaeologist	
<p>MM-TCR-4: Cultural Resource Disposition</p> <p>In the event that Native American cultural resources are discovered during the course of ground disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <ul style="list-style-type: none"> a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department: <ul style="list-style-type: none"> i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources. ii. On-site reburial of the discovered items as detailed in the treatment plan required pursuant to MM-TCR-1. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal 	During Construction	Applicant/Qualified Archaeologist	

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flaming Bay Apartment)

Table 20 Mitigation, Monitoring, and Reporting Program			
Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/Initials
Governments as defined in MM-TCR-3 The location for the future reburial area shall be identified on a confidential exhibit on file with the City, and concurred to by the Consulting Native American Tribal Governments prior to certification of the environmental document.			
<p>MM-TCR-5: Grading Plan Notes</p> <p>The City shall verify that the following note is included on the Grading Plan:</p> <p>If any suspected archaeological resources are discovered during ground-disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find.</p>	Prior to Construction	Applicant/ Qualified Archaeologist	
<p>MM-TCR-6: Inadvertent Finds</p> <p>If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 Code of Federal Regulations 61), Tribal Representatives, and all site monitors per the mitigation measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional archeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer and any and all Consulting Native American Tribes as defined in MM-TCR-2 before any further work commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in consultation with the tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.</p>	During Construction	Applicant/ Qualified Archaeologist	

Attachment: Exhibit A to Resolution No. 2023-13 IS/MND / Mitigation and Reporting Program (6212 : PEN22-0029 Flaming Bay Apartment)

Table 20 Mitigation, Monitoring, and Reporting Program			
Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/Initials
<p>MM-TCR-7: Human Remains If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California NAHC shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the "most likely descendant." The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98) (General Plan Objective 23.3, CEQA).</p>	During Construction	Applicant/ Qualified Archaeologist	
<p>MM-TCR-8: Non-Disclosure of Reburial Locations It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).</p>	During Construction	Applicant/ Qualified Archaeologist	
<p>MM-TCR-9: Archeology Report - Phase III and IV Prior to final inspection, the developer/permit holder shall prompt the Project Archeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center at the University of California Riverside, and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).</p>	During Construction	Applicant/ Qualified Archaeologist	

6.0 Preparers

RECON Environmental, Inc., 3111 Camino Del Rio North, Suite 600, San Diego, CA 92108

Nick Larkin, Senior Project Manager

Lori Spar, Senior Environmental Analyst

Jesse Fleming, Senior Air Quality and Noise Specialist

Benjamin Arp, GIS Specialist

Jennifer Gutierrez, Production Specialist

7.0 Sources Consulted

Aesthetics

Moreno Valley, City of

- 2021 City of Moreno Valley General Plan 2040. Adopted June 15. Prepared by Dyett & Bhatia.
https://www.moval.org/city_hall/general-plan2040/MV-GeneralPlan-complete.pdf

Agriculture and Forest Resources

Moreno Valley, City of

- 2021 Final Environmental Impact Report for the MoVal 2040: Moreno Valley Comprehensive Plan Update, Housing Element Update, and Climate Action Plan. SCH # 2020039022, May 20.

State of California, Department of Conservation

- 2016 California Important Farmland Finder. <https://maps.conservation.ca.gov/dlrp/ciff/>.

Air Quality

California Air Pollution Control Officers Association (CAPCOA)

- 2021 California Emissions Estimator Model (CalEEMod). User's Guide Version 2020.4.0. May 2021.

- 2022 California Emissions Estimator Model (CalEEMod). User's Guide Version 2022.1. April.

California Air Resources Board (CARB)

- 2005 Air Quality and Land Use Handbook: A Community Health Perspective. California Air Resources Board. April.

Moreno Valley, City of

- 2021b Final Environmental Impact Report for the MoVal 2040: Moreno Valley Comprehensive Plan Update, Housing Element Update, and Climate Action Plan. SCH # 2020039022, May 20.

U.S. Environmental Protection Agency (U.S. EPA)

- 1992 Screening Procedures for Estimating the Air Quality Impact of Stationary Sources.

Biological Resources

Beier, P. and S. Loe

- 1992 A Checklist for Evaluating Impacts to Wildlife Movement Corridors. Wildlife Society Bulletin. 20:434-440.

California Department of Fish and Wildlife (CDFW)

- 2022 Natural Diversity Database. Nongame-Heritage Program, California Department of Fish and Wildlife, Sacramento. RareFind Version 5.2.14. Accessed March.

Riverside County Habitat Conservation Agency (RCHCA)

- 1996 Habitat Conservation Plan for the Stephens' Kangaroo Rat in Western Riverside County.

U.S. Fish and Wildlife Service (USFWS)

- 2022a All Species Occurrences GIS Database. Carlsbad Fish and Wildlife Office. Accessed December.

- 2022b National Wetlands Inventory. Accessed March.

Western Riverside County Regional Conservation Authority (WRCRCA)

- 2003 Final Western Riverside County Multiple Species Habitat Conservation Plan (Western Riverside County MSHCP). <https://www.wrc-rca.org/about-rca/multiple-species-habitat-conservation-plan/>.

- 2006 Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area.

- 2022 MSHCP Informational Map. Accessed from <https://www.wrc-rca.org/rcamaps/>. March.

Cultural Resources

Alexandrowicz, John

- 2006a An Historical Resources Identification of Alessandro Pointe Project, Tract 34681, 25817 Alessandro Boulevard, City of Moreno Valley. Unpublished confidential report on file at the Eastern Information Center, University of California at Riverside.

- 2006b Site form for P-33-015454/CA-RIV-8149. Confidential file at the Eastern Information Center, University of California at Riverside.

Nationwide Environmental Title Research

- 2022 Historic Aerials. <http://www.historicaerials.com/>. Accessed on April 27.

Energy

California Public Utilities Commission

- 2021 2021 California Renewables Portfolio Standard Annual Report. November.
<https://www.cpuc.ca.gov/-/media/cpuc-website/industries-and-topics/documents/energy/rps/cpuc-2021-rps-annual-report-to-legislature.pdf>

Moreno Valley Electric Utility (MVU)

- 2018 2018 Integrated Resource Plan. Prepared by Joule Megamorphosis Energy Consulting.
 July 20.

Geology and Soils

LOR Geotechnical Group, Inc.

- 2021 Preliminary Geotechnical and Infiltration Feasibility Investigation, Proposed Crystal Cove Multi-Family Residential Development, APN 484-030-028, Moreno Valley, California, October 20.

Greenhouse Gas Emissions

California Air Pollution Control Officers Association (CAPCOA)

- 2008 CEQA & Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act, January.

Moreno Valley, City of

- 2021 Climate Action Plan. Adopted June 15, 2021.

Moreno Valley Electric Utility (MVU)

- 2018 2018 Integrated Resource Plan. Prepared by Joule Megamorphosis Energy Consulting.
 July 20.

South Coast Air Quality Management District (SCAQMD)

- 2008 Interim CEQA GHG Significance Thresholds for Stationary Sources, Rules, and Plans.
- 2010 Greenhouse Gas CEQA Significance Thresholds Stakeholder Working Group 15.
 September 28.

Hazards and Hazardous Materials

Moreno Valley, City of

- 2021 City of Moreno Valley General Plan 2040. Adopted June 15. Prepared by Dyett & Bhatia.
https://www.moval.org/city_hall/general-plan2040/MV-GeneralPlan-complete.pdf

Hydrology/Water Quality

Eastern Municipal Water District (EMWD)

- 2021 Final 2020 Urban Water Management Plan. Prepared by Water Systems Consulting, Inc.
 July 1.

Moreno Valley, City of

- 2021 Final Environmental Impact Report for the MoVal 2040: Moreno Valley Comprehensive Plan Update, Housing Element Update, and Climate Action Plan. SCH # 2020039022, May 20.

Mineral Resources

Moreno Valley, City of

- 2021 Final Environmental Impact Report for the MoVal 2040: Moreno Valley Comprehensive Plan Update, Housing Element Update, and Climate Action Plan. SCH # 2020039022, May 20.

Noise

California Department of Transportation

- 2013 2013 Technical Noise Supplement. November.

Federal Highway Administration (FHWA)

- 2006 2006 Roadway Construction Noise Model User's Guide. FHWA-HEP-05-054, SOT-VNTSCFHWA-05-01. Final Report. January.

Federal Transit Administration (FTA)

- 2018 Transit Noise and Vibration Impact Manual. September. Accessed September 2020: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf.

Moreno Valley, City of

- 2021 Final Environmental Impact Report for the MoVal 2040: Moreno Valley Comprehensive Plan Update, Housing Element Update, and Climate Action Plan. SCH # 2020039022, May 20.

Population and Housing

Southern California Association of Governments (SCAG)

- 2020 Demographics and Growth Forecast. Technical Report. Adopted September 3. https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579.

U.S. Census Bureau

- 2020 Moreno Valley Population, Census, April 1, 2020. QuickFacts Moreno Valley City, California. <https://www.census.gov/quickfacts/fact/table/morenovalleycitycalifornia/POP010220#POP010220>

Utilities and Service Systems

California Department of Resources Recycling and Recovery (CalRecycle)

- 2022a SWIS Facility/Site Activity Details Badlands Sanitary Landfill (33-AA-0006). <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2245?siteID=2367>

2022b SWIS Facility/Site Activity Details El Sobrante Landfill (33-AA-0217).
<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2256?siteID=2402>

2022c SWIS Facility/Site Summary Lamb Canyon Sanitary Landfill (33-AA-0007).
<https://www2.calrecycle.ca.gov/SolidWaste/Site/Summary/2368>

Eastern Municipal Water District (EMWD)

2021a Final 2020 Urban Water Management Plan. Prepared by Water Systems Consulting, Inc. July 1. https://www.emwd.org/sites/main/files/file-attachments/urbanwatermanagementplan_0.pdf?1625160721

2021b Moreno Valley Regional Water Reclamation Facility. January.
<https://www.emwd.org/sites/main/files/file-attachments/mvrwrffactsheet.pdf?1620227235>

Wildfire

Moreno Valley, City of

2021 City of Moreno Valley General Plan 2040. Adopted June 15. Prepared by Dyett & Bhatia.
https://www.moval.org/city_hall/general-plan2040/MV-GeneralPlan-complete.pdf

**CITY OF MORENO VALLEY
NOTICE OF INTENT
MITIGATED NEGATIVE DECLARATION**

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

Project: Plot Plan (PEN22-0029)
 Applicant: Empire Construction Management, Inc.
 Owner: FB Flamingo Bay MV, LLC
 Representative: Deborah Hull, Empire Construction Management, Inc.
 Location: South of Alessandro Boulevard, west of Lasselle Street, and north of Copper Cove Lane (APNs: 484-030-013 & 484-030-026)
 Proposal: Plot Plan for a 96-unit apartment complex on an approximately 4.07-acre site.
 Council District: 3

This Notice of Intent (NOI) has been prepared to notify agencies and interested parties that the City of Moreno Valley, as the Lead Agency, has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the requirements of the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with construction and operation of the project as described below.

Project Description: The applicant proposes a Plot Plan for the development of a 96-unit apartment complex that would consist of four separate buildings, providing a total of 48 one-bedroom apartments and 48 two-bedroom apartments. The project would also provide a clubhouse with an outdoor pool and 171 parking spaces. Access to the project site would be provided from Alessandro Boulevard with gated emergency access from Copper Cove Lane. The project would also include off-site improvements.

The Project site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Document Availability: The Initial Study/Mitigated Negative Declaration, and all documents incorporated and/or referenced therein, can be reviewed during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and Friday, 7:30 a.m. to 4:30 p.m.) at the City of Moreno Valley Planning Division counter, located at 14177 Frederick Street, Moreno Valley, CA 92553. The documents may also be reviewed on the City's website at <http://www.moreno-valley.ca.us/cdd/documents/about-projects.html>.

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

Comment Deadline: Pursuant to Section 15105(b) of the CEQA Guidelines, the City has established a 20-day public review period for the Initial Study/Mitigated Negative Declaration, which begins March 31, 2023, and ends April 20, 2023. Written comments on the Initial Study/Mitigated Negative Declaration must be received at the City of Moreno Valley Community Development Department by no later than the conclusion of the 20-day review period, 5:30 p.m. on April 20, 2023. Written comments on the Initial Study/Mitigated Negative Declaration should be addressed to:

Gabriel Diaz, Associate Planner
 14177 Frederick Street
 Post Office Box 88005
 Moreno Valley, California 92552
 Phone: (951) 413-3206
 Email: gabrield@moval.org

Press-Enterprise
Newspaper

March 31, 2023
Date of Publication

Sean Kelleher, Planning Official
Community Development Department

Attachment: Exhibit B to Resolution No. 2023-13 Notice of Intent to Adopt a Mitigated Negative Declaration (6212 : PEN22-0029 Flaming Bay

RESOLUTION NUMBER 2023-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A PLOT PLAN FOR THE FLAMINGO BAY APARTMENT COMPLEX (PEN22-0029) LOCATED SOUTH OF ALESSANDRO BOULEVARD, WEST OF LASSELLE STREET, AND NORTH OF COPPER COVE LANE (APNS: 484-030-013 & 484-030-026)

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

WHEREAS, Empire Construction Management, Inc. (“Applicant”) has submitted an application for a Plot Plan (PEN22-0029) for a 96-unit apartment complex with associated amenities and public improvements (“Proposed Project”) located south of Alessandro Boulevard, west of Lasselle Street, and north of Copper Cove Lane (APNs: 484-030-013 & 484-030-026) (“Project Site”); and

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

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

WHEREAS, consistent with the requirements of Section 9.02.070 (Plot Plan) of the Municipal Code, at the public hearing, the Planning Commission considered Conditions of Approval to be imposed upon Plot Plan (PEN22-0029), which conditions were prepared by Planning Division staff who deemed said conditions to be necessary to protect the public health, safety, and welfare and to ensure the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

WHEREAS, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Municipal Code, a public hearing was scheduled for April 27, 2023, and notice thereof was duly published, posted, and mailed to all property owners of record within 600 feet of the Project Site; and

WHEREAS, on April 27, 2023, the public hearing to consider the Proposed Project was duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and present evidence; and

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

WHEREAS, on April 27, 2023, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines², the Planning Commission approved Resolution 2023-13, certifying a Mitigated Negative Declaration and approving the Mitigation Monitoring and Reporting Program for the Proposed Project.

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

Section 1. Recitals and Exhibits

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

Section 2. Notice

That pursuant to Government Code Section 66020(d)(1), notice is hereby given that the Proposed Project is subject to certain fees, dedications, reservations, and other exactions as provided herein, in the staff report and conditions of approval (collectively, "Conditions"); and these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the ninety-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun.

Section 3. Evidence

That the Planning Commission has considered all evidence submitted into the Administrative Record for the Proposed Project, including, but not limited to, the following:

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- (c) Application for Plot Plan (PEN22-0029) including Resolution No. 2023-14 and all documents, records, and references contained therein;
- (d) Conditions of Approval for Plot Plan (PEN22-0029), attached hereto as Exhibit A;
- (e) Staff Report prepared for the Planning Commission's consideration and all documents, records, and references related thereto, and Staff's presentation at the public hearing;

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

- (f) Testimony, and/or comments from Applicant and its representatives during the public hearing; and
- (g) Testimony and/or comments from all persons provided in written format or correspondence, at, or prior to, the public hearing.

Section 4. Findings

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

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

Section 5. Approval

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings, as set forth herein, the Planning Commission hereby approves the Proposed Project subject to the Conditions of Approval for Plot Plan (PEN22-0029) attached hereto as Exhibit A.

Section 6. Repeal of Conflicting Provisions

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

Section 7. Severability

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

Section 8. Effective Date

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

Section 9. Certification

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

PASSED AND ADOPTED THIS 27th DAY OF APRIL, 2023.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin DeJohnette, Chairperson

ATTEST:

Sean P. Kelleher,
Acting Community Development Director

APPROVED AS TO FORM:

Steven B. Quintanilla,
Interim City Attorney

Exhibit:
Exhibit A: Plot Plan (PEN22-0029) Conditions of Approval

Attachment: Resolution No. 2023-14 Plot Plan [Revision 3] (6212 : PEN22-0029 Flaming Bay Apartment)

Exhibit A

Plot Plan (PEN22-0029) Conditions of Approval

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan (PEN22-0029)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. A change or modification to the land use or the approved site plans may require a separate approval. Prior to any change or modification, the property owner shall contact the City of Moreno Valley Community Development Department to determine if a separate approval is required.
2. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 2

above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

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

Special Conditions

10. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
11. 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 shall remain in place until the project is completed or the above conditions no longer exist. (Security fencing

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 3

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).

12. The site has been approved for a Plot Plan that would develop a 96-unit apartment complex (98,290sq.ft.) that would consist of four separate buildings, providing a total of 48 one-bedroom apartments and 48 two-bedroom apartments, a 2,588-square-foot clubhouse, outdoor pool, dog park and TOT Lot. The project site is approximately 4-gross acres. A change or modification shall require separate approval.

Prior to Grading Permit

13. Prior to issuance of any grading permit, all Conditions of Approval, and Mitigation Measures shall be printed on the grading plans.
14. Prior to the issuance of grading permits, decorative (e.g. colored/scored concrete or as approve by the Planning Official) pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
15. Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Planning Division and Public Works Department - Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW-Special Districts.
16. 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)
17. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
18. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic,

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 4

prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the “most likely descendant.” The “most likely descendant” shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

19. Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan. The pre-construction survey shall be submitted to the Planning Division prior to any disturbance of the site and/or grading permit issuance.
20. Prior to approval of any grading permits, plans for any security gate system shall be submitted to and approved by to the Planning Division.
21. Prior to the issuance of grading permits, the site plan and grading plans shall show decorative hardscape (e.g. colored concrete, stamped concrete, pavers or as approved by the Planning Official) consistent and compatible with the design, color and materials of the proposed development for all driveway ingress/egress locations of the project.
22. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - a. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required on the western property line.
 - b. A maximum 6 foot high tube steel fence with decorative block pilasters and a cap shall be required on the north and south property lines.
 - c. 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.

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 5

- d. 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.
- e. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
23. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
24. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
25. Prior to issuance of any building permits, all Conditions of Approval, and Mitigation Measures shall be printed on the building plans.
26. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
27. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan or separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
28. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 6

- 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. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
 - d. Street trees shall be provided every 40 feet on center.
 - e. 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.
 - f. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.
 - g. Landscaping on three sides of any trash enclosure.
 - h. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site.
29. 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)
 30. Prior to issuance of a building permit, the developer/property owner or developer's successor-in-interest shall pay all applicable impact fees due at permit issuance, including but not limited to Multi-species Habitat Conservation Plan (MSHCP) mitigation fees. (Ord)
 31. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
 32. Prior to issuance of building permits, for projects that will be phased, a phasing plan shall be submitted to and approved by the Planning Division if occupancy is

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 7

proposed to be phased.

33. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
34. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, 9.16.280)
35. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.
36. Prior to issuance of building permits, proposed covered trash enclosure(s) shall be included in the Planning review of the Fence and Wall plans. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides unless located within the truck loading area. Approved design plans shall be included in a Building submittal (Fence and walls or building design plans). (GP Objective 43.6, DG)

Prior to Building Final or Occupancy

37. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
38. Prior to building final, 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).
39. Prior to building final or Certificate of Occupancy, the owner or owner's representative shall provide documentation to the Planning Division that they have

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 8

contacted the Moreno Valley Police Department to establish and maintain a relationship with the City of Moreno Valley Police Department and cooperate with the Problem Oriented Policing (POP) program, or its successors.

Building Division

40. The proposed residential project (3 or more dwelling units) shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11A for accessibility standards for the disabled including access to the site, exits, kitchens, bathrooms, common spaces, pools/spas, etc.
41. Prior to submittal, all new development, including residential second units, are required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
42. Contact the Building Safety Division for permit application submittal requirements.
43. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in the California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
44. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first obtained from the Building Official or City Engineer.
45. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
46. The proposed development shall be subject to the payment of required development fees as required by the City's current Fee Ordinance at the time a building application is submitted or prior to the issuance of permits as determined by the City.
47. The proposed project will be subject to approval by the Eastern Municipal Water District and all applicable fees and charges shall be paid prior to permit issuance. Contact the water district at 951.928.3777 for specific details.
48. All new structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Code, (CBC) Part 2,

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 9

Title 24, California Code of Regulations including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.

49. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
50. The proposed residential project shall comply with the California Green Building Standards Code, Section 4.106.4, mandatory requirements for Electric Vehicle Charging Station (EVCS).
51. Prior to permit issuance, every applicant shall submit a properly completed Waste Management Plan (WMP), as a portion of the building or demolition permit process. (MC 8.80.030)

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

52. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
53. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
54. New Moreno Valley businesses are encouraged to hire local residents.
55. 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.
56. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center ("BERC").

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 10

FIRE DEPARTMENT**Fire Prevention Bureau**

57. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
58. The Fire Department emergency vehicular access road shall be (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. The approved fire access road shall be in place during the time of construction. Temporary fire access roads shall be approved by the Fire Prevention Bureau. (CFC 501.4, and MV City Standard Engineering Plan 108d)
59. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503 and MVMC 8.36.060)
60. 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)
61. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
62. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVLT 440A-0 through MVLT 440C-0)
63. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
64. Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3) a - After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 11

65. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
66. 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)
67. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
68. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
69. 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])
70. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
71. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
72. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 ½" x 2 ½") (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 12

73. Multi-family residences shall display the address in accordance with the Riverside County Fire Department Premises Identification standard 07-01. (CFC 505.1)
74. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
75. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
76. Plans for private water mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
77. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering said waterflow for 2 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B)
78. 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)
79. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:
 - a. Be signed by a registered civil engineer or a certified fire protection engineer;
 - b. Contain a Fire Prevention Bureau approval signature block; and
 - c. Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT**Moreno Valley Utility**

80. This project requires the installation of electric distribution facilities. The developer

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 13

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

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

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

81. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
82. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.
83. This project shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City fiber optic cable improvements

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 14

consisting of fiber optic cable, splices and termination equipment to serve the identified development and other adjoining, abutting, or benefiting projects as determined by Moreno Valley Utility along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all “fiber optic services” to and within the project.

84. This project shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to Moreno Valley Utility fiber optic cable improvements consisting of conduit, and pull boxes to serve the identified development and other adjoining, abutting, or benefiting projects as determined by Moreno Valley Utility along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all “fiber optic services” to and within the project.
85. This project is subject to a Reimbursement Agreement. The Developer is responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project.
86. This project shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to Moreno Valley Utility electric streetlight improvements consisting of streetlight poles, mast-arms, fixtures conduit, wiring, terminations and pull boxes to serve the identified development and other adjoining, abutting, or benefiting projects as determined by the Land Development Department along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all “street light services” to and within the project.

PUBLIC WORKS DEPARTMENT**Land Development**

87. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed, it and its maintenance shall be turned over to an established Property Owners Association (POA).
88. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to 90% security reduction or the end of the one-year warranty period of the public streets as approved by the City Engineer.

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 15

If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

89. 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]
90. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
91. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
 - (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.

Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
92. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
93. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 16

project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]

94. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
- a. Precise grading w/ erosion control plan (prior to building permit issuance);
 - b. Street, Striping, Sewer, Water (prior to encroachment permit issuance);
 - c. Final drainage study (prior to grading plan approval);
 - d. Final WQMP (prior to grading plan approval);
 - e. Lot Line Adjustment and Offers of Right-of-Way Dedications (prior to building permit issuance);
 - f. As-Built revision for all plans (prior to Occupancy release)

Prior to Grading Plan Approval

95. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.
96. Resolution of all drainage issues shall be as approved by the City Engineer.
97. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
98. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, bio-swales, retention basins, detention basins, catch basins, etc.
99. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 17

connected impervious areas to the City's street and storm drain systems, and conserves natural areas;

b. Incorporates Source Control BMPs and provides a detailed description of their implementation;

c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

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

100. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa Ana Region of Riverside County" dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.

a. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP.

c. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.

d. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.

f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural shall be approved by the Building and Safety Division.

101. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 18

- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.
 - d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.
102. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
103. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
104. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
105. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.

Prior to Grading Permit

106. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
107. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
108. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 19

measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]

109. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]

Prior to Improvement Plan Approval

110. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
111. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVS1-160 series, etc.) throughout this project.
112. Drainage facilities (i.e. catch basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
113. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
114. All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
115. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
116. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 20

determined by the City Engineer.

117. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.

Prior to Encroachment Permit

118. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]
119. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
120. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

121. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.
122. For non-subdivision projects, the developer shall guarantee the completion of all related public improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
123. For non-subdivision projects, all street dedications shall be free of encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
124. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 21

missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.

125. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).

Prior to Occupancy

126. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
127. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights per the Moreno Valley Utility Street Light Standards SL-2, signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
 - b. City-owned utilities.
 - c. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - d. Under grounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
128. For commercial, industrial and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
129. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 22

- b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.
130. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - f. Obtain approval and complete installation of the irrigation and landscaping.
131. The final/precise grade certification shall be submitted for review and approved by the City Engineer.

Special Conditions

132. Prior to building permit issuance, the following legal documents shall be recorded:
- a. Lot Line Adjustment that will combine the two existing lots into one lot.
 - b. Offer of Right-of-Way Dedication for the additional 7' right-of-way required on the south side of Alessandro Boulevard along project frontage.

Special Districts Division

133. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
134. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 23

association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and/or b) if a landscaped median is required, Landscape Maintenance Services for public parkway, traffic circle, open space, and/or median landscaping on Alessandro Boulevard.

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

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

135. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 24

project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

137. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 25

annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

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

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

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

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 26

not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

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

139. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
140. Maintenance Period. If a landscaped median is required, the Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
141. Independent Utilities. Parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are required to have independent utility systems, including but not limited to water, electric, and telephone services. An independent irrigation controller and pedestal will also be required. Combining utility systems with existing or future landscape areas that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
142. Landscape Inspection Fees. If a landscaped median is required, inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre-construction meeting. (MC 3.32.040)
143. Landscape Guidelines. If a landscaped median is required, plans for parkway, median, slope, traffic circle, and/or open space landscape areas designated in the project's Conditions of Approval for incorporation into a City Coordinated landscape maintenance program, shall be prepared and submitted in accordance with the City of Moreno Valley Public Works Department Landscape Design Guidelines. The guidelines are available on the City's website at www.moval.org or from Landscape Services (951.413.3480 or SDLandscape@moval.org).

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 27

144. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
145. Landscape Plan Check Fees. If a landscaped median is required, plan check fees for review of parkway/median, open space, and/or traffic circle landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
146. Zone A Per Dwelling Unit. The Moreno Valley Community Services District Zone A (Parks & Community Services) tax is levied on the property tax bill on a per parcel or dwelling unit basis. Upon the issuance of building permits, the Zone A tax will be assessed based on 96 dwelling units.
147. Parkway, open space, traffic circle, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
148. If a landscaped median is required, mylars of the landscape and irrigation plans shall be submitted on hanging tab to Landscape Services.
149. Approved Landscape Plans. For those areas to be maintained by the City and prior to the issuance of the 1st Building Permit, Planning, Landscape Services and Transportation Engineering staff, at a minimum, shall review and approve the final median, parkway, slope, traffic circle and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval.

Transportation Engineering Division

150. Prior to the issuance of encroachment permit for work in the public right-of-way, 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.
151. All project driveways shall be designed and constructed per City of Moreno Valley Standard Plans No. MVSI-112D-0 for Commercial Driveway Approaches. Access at the driveways shall be as follows:
 - Alessandro Boulevard: Full Access
 - Copper Cove Lane: Emergency Vehicle Access Only
152. All gated entrances (except emergency-only access or exit only access) shall be provided with the following:
 - a) A storage lane with 60' provided for queuing.

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 28

- b) A second storage lane at main gate for visitors to utilize a call box (or other device) to receive permission to enter the site.
 - c) Signing and striping for a and b.
 - d) A turnaround outside the gates.
 - e) No Parking signs shall be posted in the turnaround areas.
 - f) A separate pedestrian entry.
- All of these features must be kept in working order.
153. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
 154. Sight distance at the proposed roadways and driveways shall conform to City of Moreno Valley Standard No. MVSI-164A,B,C-0 at the time of preparation of final grading, landscape, and street improvement plans.
 155. Alessandro Boulevard is classified as a 6-Lane Divided Major Arterial (134'RW/110'CC) per City Standard Plan No. MVSI-101A-0. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Transition improvements shall be provided to connect proposed improvements with existing conditions/improvements.
 156. Copper Cove Lane is classified as a Local Street (56'RW/36'CC) per City Standard Plan No, MVSI-107A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility.
 157. Prior to issuance of Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
 158. Prior to issuance of Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards
 159. Prior to final approval of any grading, landscape, monument sign, or street improvement plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
 160. 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 Alessandro Boulevard. Signing and striping plans shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil or traffic engineer.
 161. Prior to the final approval of the street improvement plans, a median shall be designed on Alessandro Boulevard along the project frontage. At a minimum, the median shall accommodate a westbound left turn storage lane and a eastbound left

CONDITIONS OF APPROVAL

Plot Plan (PEN22-0029)

Page 29

turn storage lane shall also be provided. Detailed design shall be determined during the plan check process.

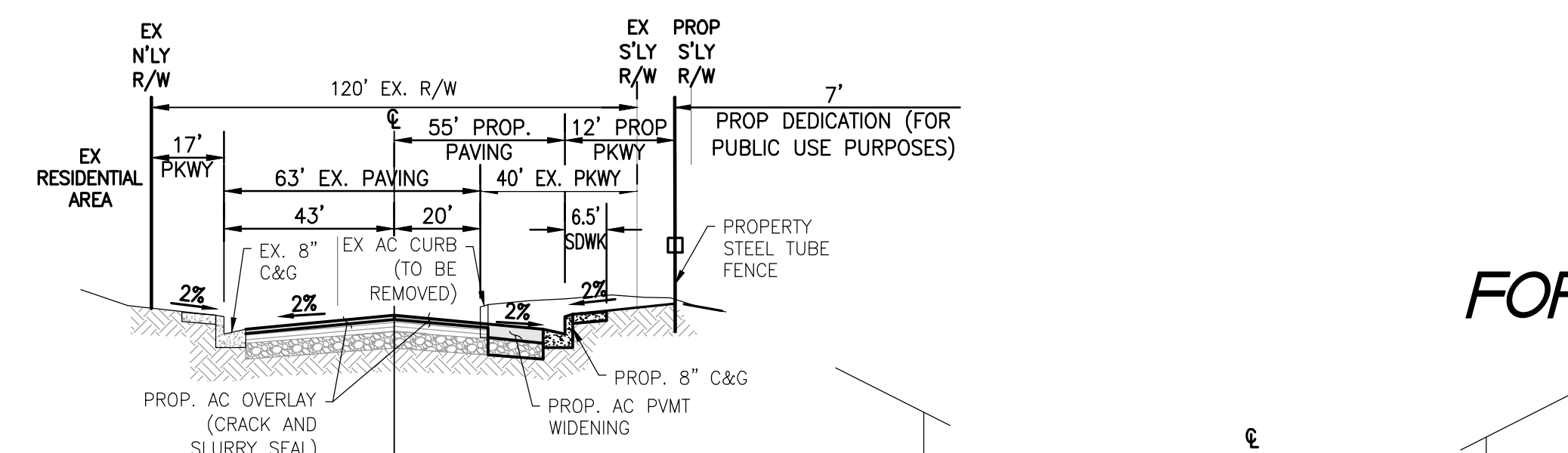
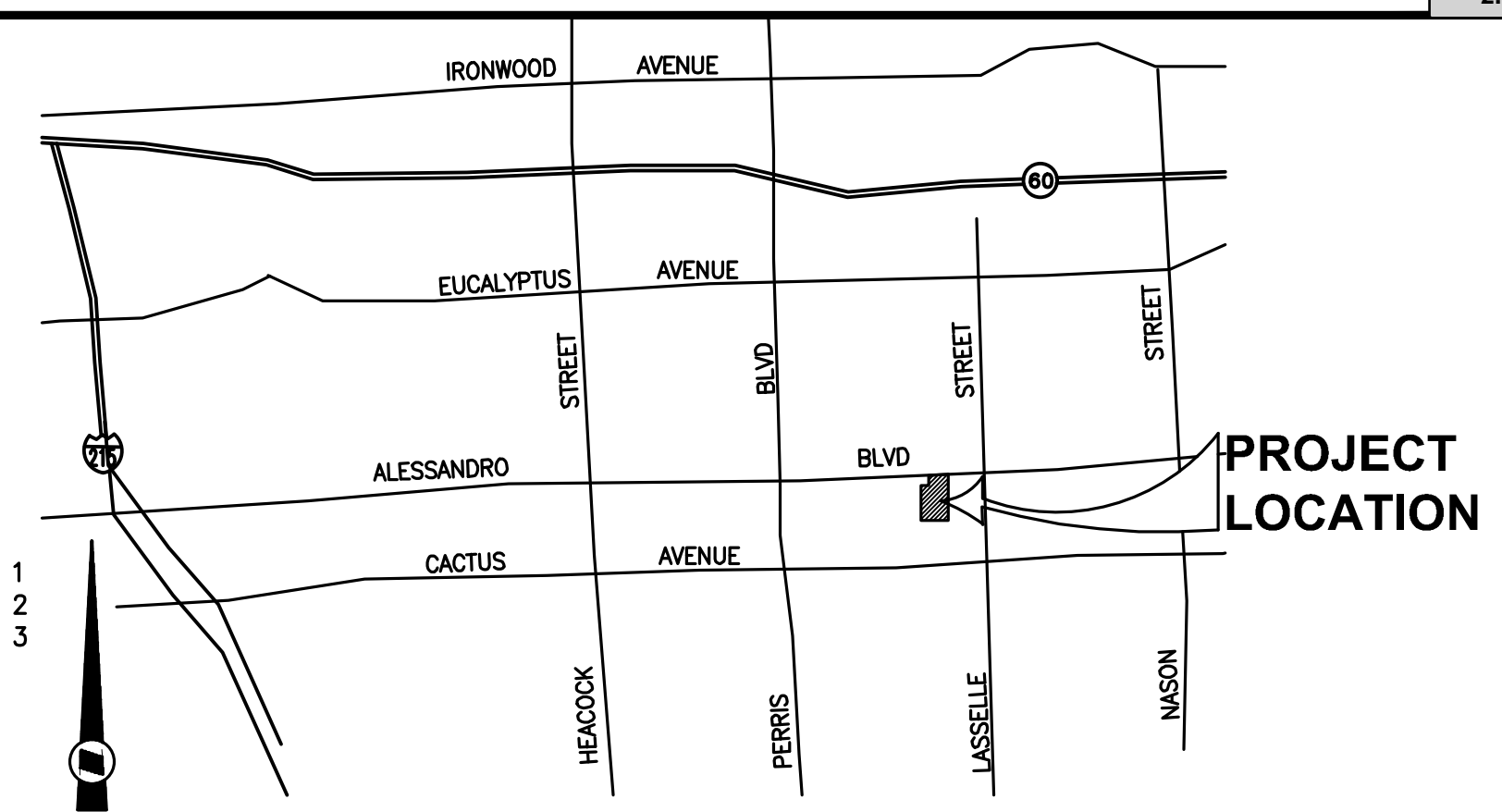
162. Street improvement plans for Copper Cove Lane shall provide all necessary lane reduction transitions. The lane transition taper length shall be designed per the latest edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).
163. Signing and striping plans shall be consistent with approved interim alignment exhibit at Alessandro Boulevard and Chervil Court and as approved by the City Traffic Engineer. Detailed design shall be determined during the plan check process.

PARKS & COMMUNITY SERVICES DEPARTMENT

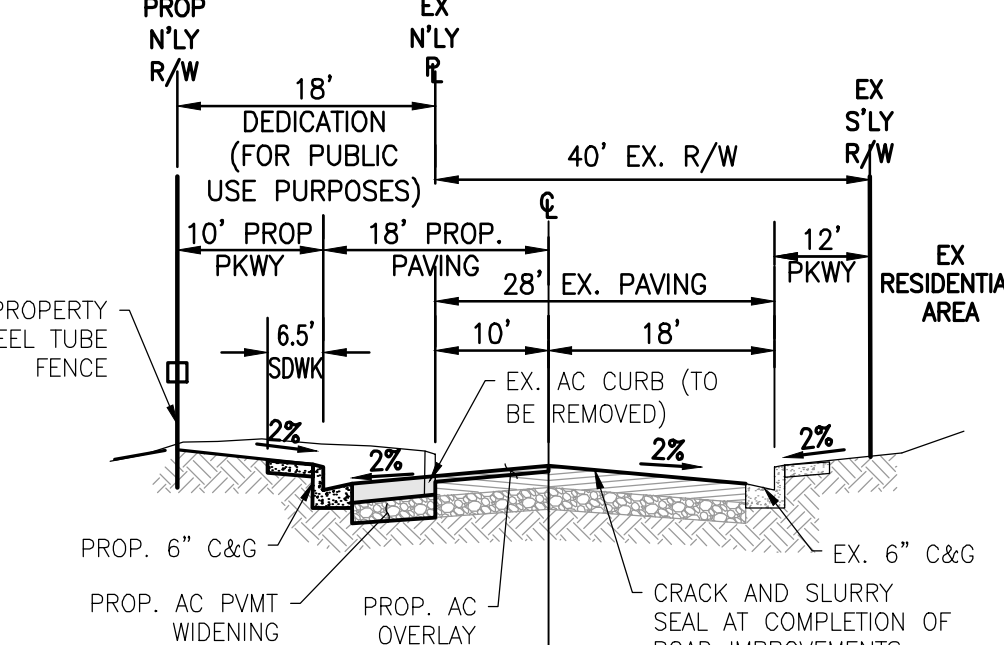
164. This project is subject to current Development Impact Fees.

FLAMINGO BAY APARTMENTS SITE PLAN

FOR RESIDENTIAL APARTMENTS PURPOSES IN THE CITY OF MORENO VALLEY

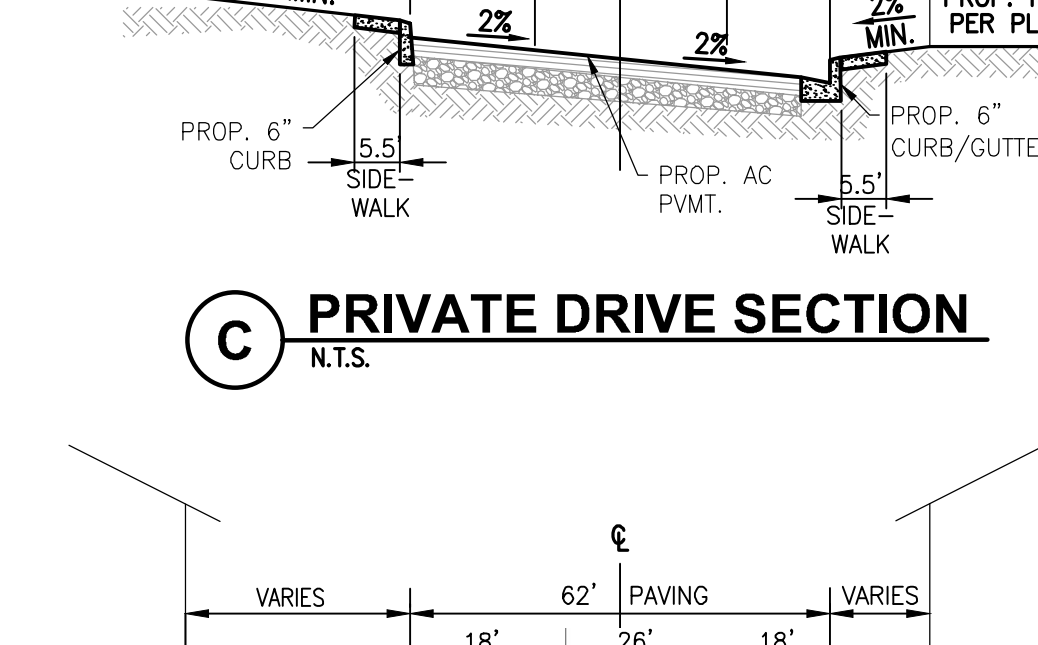


A ALESSANDRO BLVD (PUBLIC)
N.T.S. DIVIDED MAJOR ARTERIAL PER GENERAL PLAN CIRCULATION MAP (IMPROVEMENTS PER MVS-101A-0)

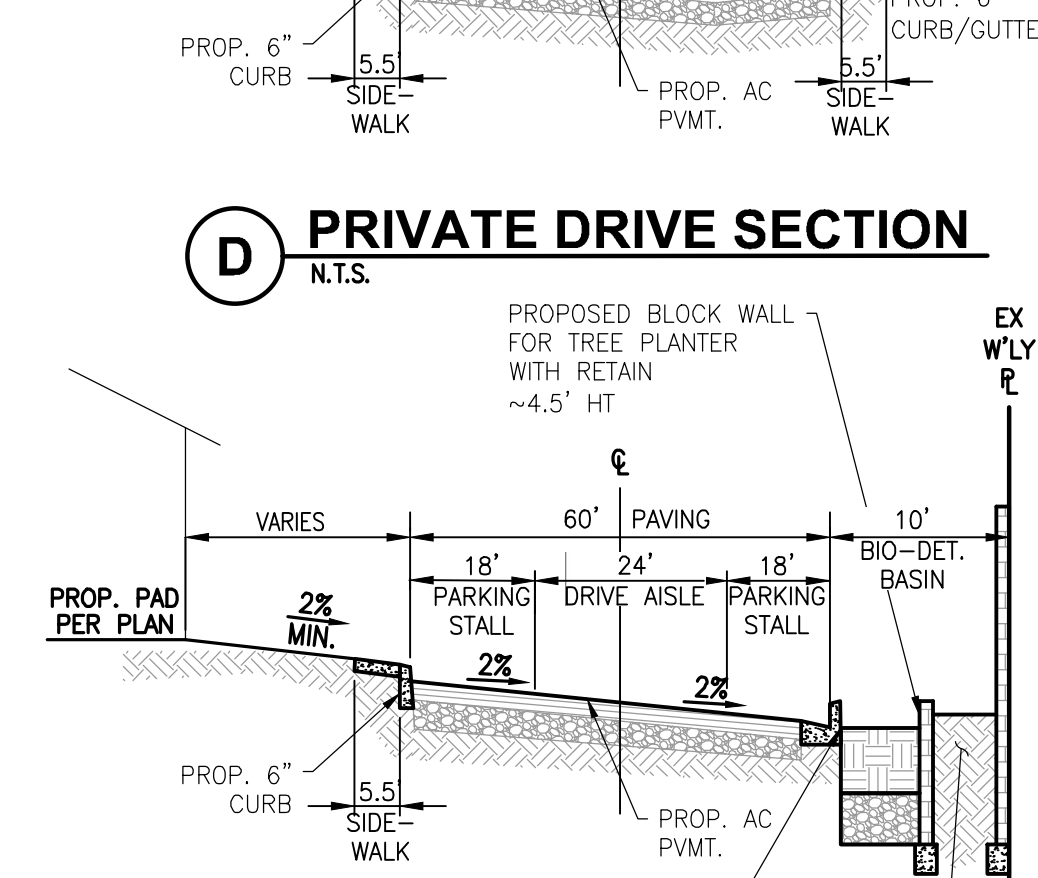


B COPPER COVE LANE (PUBLIC)
N.T.S. LOCAL STREET PER GENERAL PLAN CIRCULATION MAP (IMPROVEMENTS PER MVS-107A-0)

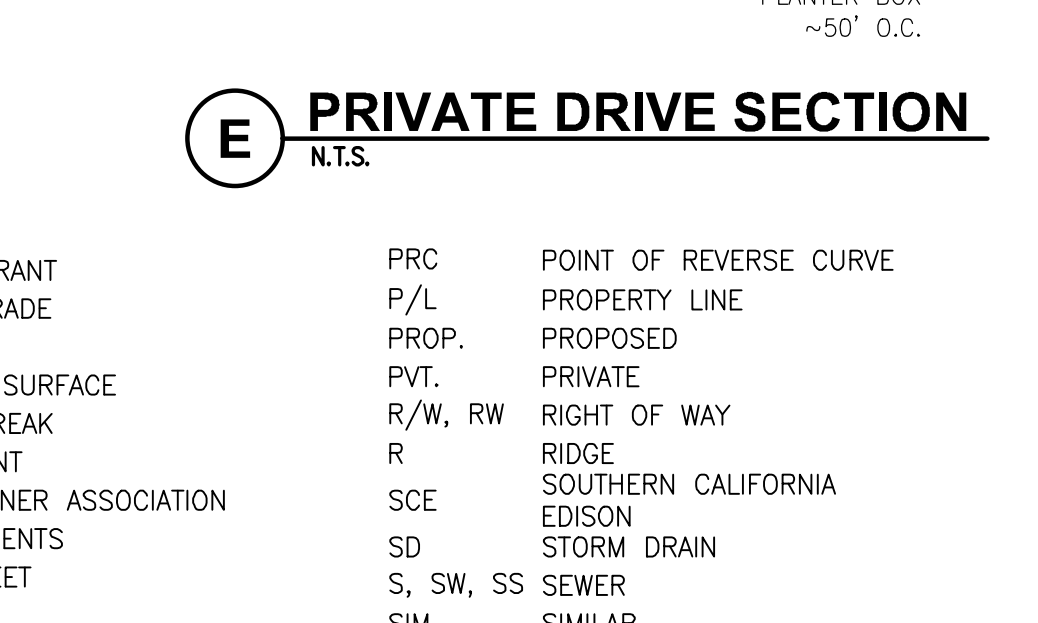
C PRIVATE DRIVE SECTION
N.T.S.



D PRIVATE DRIVE SECTION
N.T.S.



E PRIVATE DRIVE SECTION
N.T.S.



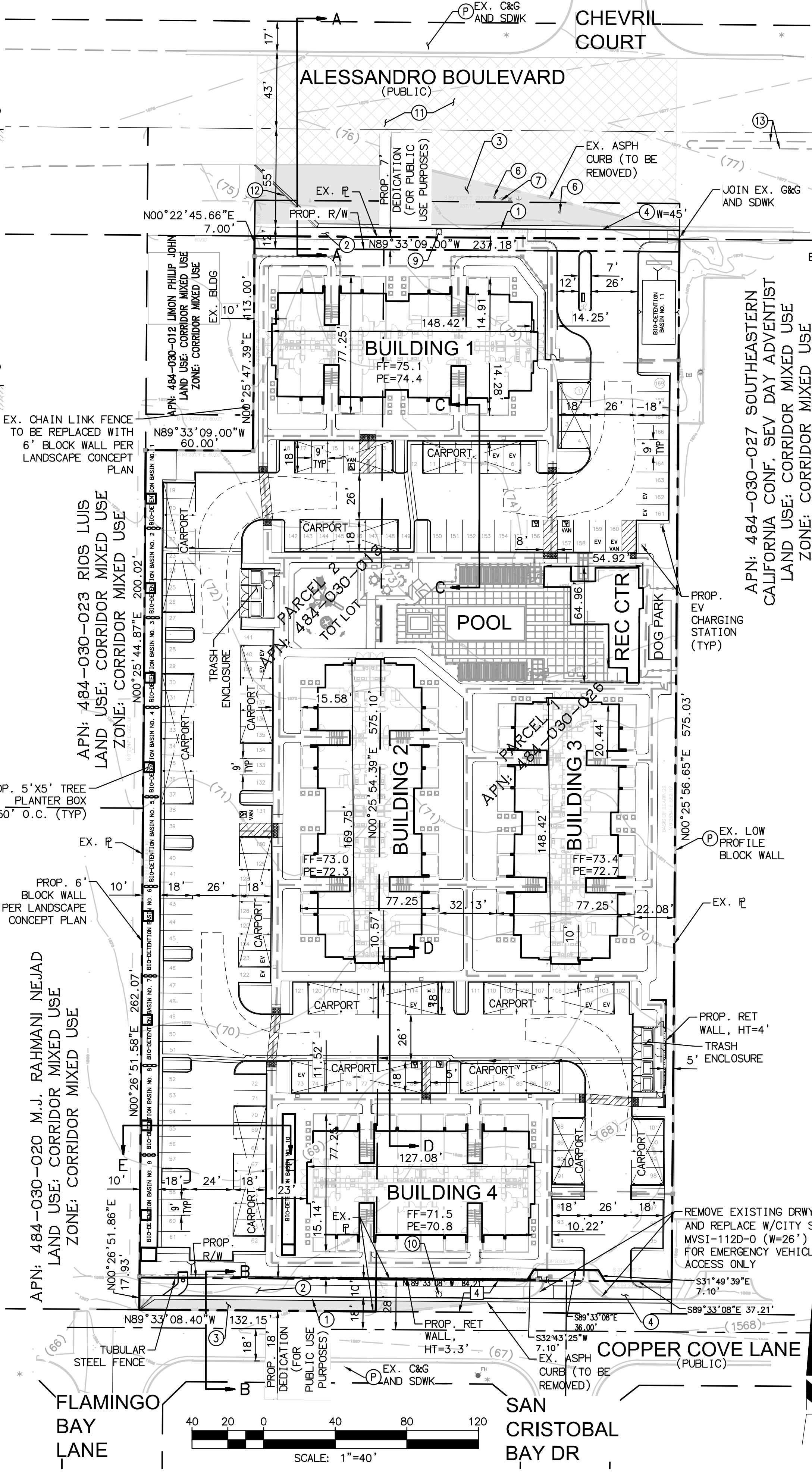
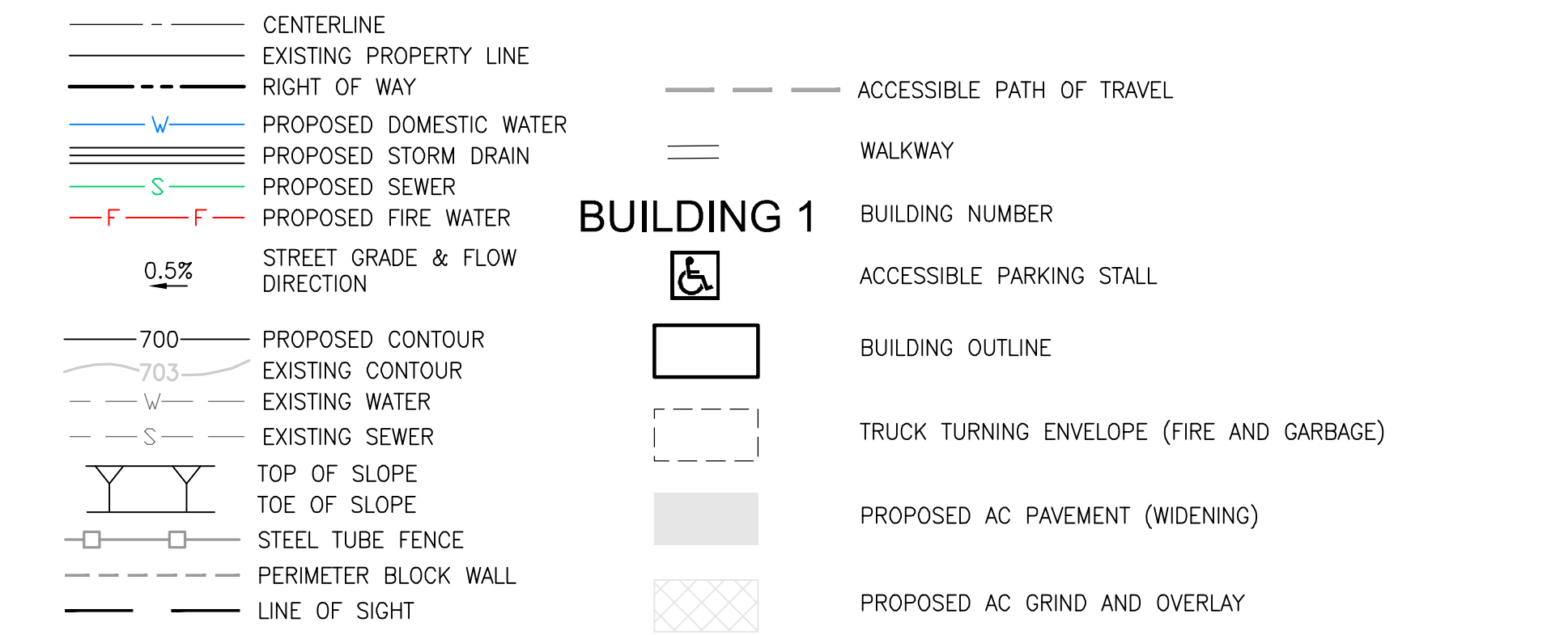
CONSTRUCTION NOTES

- PROPOSED PUBLIC CURB AND GUTTER
- PROPOSED PUBLIC SIDEWALK
- PROPOSED AC PAVEMENT
- PROPOSED DRIVEWAY PER CITY STD MVS1-112D-0 WITH CURB RAMP PER CITY STD MVS1-114B-2 (AND CURRENT ADA STDS/CA CODE OF REGULATIONS TITLE 24-ACCESSIBILITY REGULATIONS)
- EXISTING WATER METER TO BE REMOVED
- EXISTING UTILITY POLE TO BE RELOCATED
- INSTALL ST LIGHT PER CITY STD MVL1-400C-0
- INSTALL ST LIGHT PER CITY STD MVL1-400A-2
- GRIND AND OVERLAY AC
- PROPOSED AC DIKE AND TRANSITIONING GUTTER
- RAISED MEDIAN BY OTHERS
- PROTECT IN PLACE

ABBREVIATIONS:

A.C.	ASPHALT CONCRETE	FH	FIRE HYDRANT	PRC	POINT OF REVERSE CURVE
AC, AC.	ACRE	FG	FINISH GRADE	P/L	PROPERTY LINE
A.B.	AGGREGATE BASE	FL	FLOWLINE	PROP.	PROPOSED
BC	BEGIN OF CURVE	FS	FINISHED SURFACE	PVT.	PRIVATE
BCR	BEGIN OF CURB RETURN	R/W, RW	RIGHT OF WAY	R	RIDGE
CB	CATCH BASIN	R	RIDGE	SCE	SOUTHERN CALIFORNIA EDISON
C/L, CL	CENTER LINE	SD	STORM DRAIN	S, SW, SS	SEWER
CL	CENTERLINE	SIM.	SIMILAR	SF, S.F.	SQUARE FEET
CONC.	CONCRETE	TC	TOP OF CURVE	TRW	TOP OF RETAINING WALL
CY	CUBIC YARD	TRW	TOP OF RETAINING WALL	TYP.	TYPICAL
D/L	DAYLIGHT	US	UPSTREAM	VC	VERTICAL CURVE
DS	DOWNSTREAM	W, DW	WATER, DOMESTIC WATER		
DWY	DRIVEWAY				
E.A., EA	EACH				
EC	END OF CURVE				
ECR	END OF CURB RETURN				
EG	EXISTING GROUND				
EX., EXIST.	EXISTING				

LEGEND:



SHEET INDEX

SITE PLAN
PRELIMINARY GRADING AND UTILITIES PLAN
CONCEPTUAL STRIPING PLAN

PROPERTY OWNER:

FB FLAMINGO BAY MV, LLC
2280 WARDLOW CIRCLE STE 250
CORONA, CA 92878
ATTN: JAMES WALTERS
(951) 498-4939

APPLICANT:

EMPIRE CONSTRUCTION MGMT
2280 WARDLOW CIRCLE STE 250
CORONA, CA 92878
ATTN: DEBORAH HULL
(951) 561-0079

ENGINEER:

PROACTIVE ENGINEERING CONSULTANTS INC.
200 SOUTH MAIN STREET, SUITE 300
CORONA, CA 92882
ATTN: ATI ESKANDARI
(951) 280-3300

SITE ADDRESSES:

25843 AND 25817 ALESSANDRO BLVD, MORENO VALLEY, CA

UTILITIES:

WATER: EASTERN MUNICIPAL WATER DISTRICT
SEWER: EASTERN MUNICIPAL WATER DISTRICT
TELEPHONE: VERIZON AND SPECTRUM
NATURAL GAS: SOUTHERN CALIFORNIA GAS COMPANY
ELECTRICAL: MORENO VALLEY ELECTRIC UTILITY
FIRE PROTECTION: MORENO VALLEY FIRE DEPARTMENT

BENCHMARK:

RIVERSIDE COUNTY BENCHMARK: (M-40-4 RESET)

AT THE SOUTHEAST CORNER OF NASON STREET AND ALESSANDRO BOULEVARD; 56.0 FEET EAST OF CENTERLINE OF NASON STREET; 48 FEET SOUTH OF ALESSANDRO BOULEVARD; 3' WEST OF POLE #61-70306, 1.0 FEET NORTH OF A 4"x4" MARKER POST; A BRASS DISK SET IN TOP OF A CONCRETE POST AND MARKED M-40-4 RESET 1976.

ELEVATION (FEET): 1588.421 (NGVD29)

BASIS OF BEARING:

BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, CCS83, ZONE VI, BASED LOGICALLY ON CONTROL STATIONS "PPBF", "CRFP", & "MLFP" NAD83 (NSRS2011) EPOCH 2010.00, RECORDS OF THE RIVERSIDE COUNTY SURVEYOR.
ALL DISTANCES SHOWN ARE GROUND DISTANCES UNLESS SPECIFIED OTHERWISE. GRID DISTANCES, MAY BE OBTAINED BY MULTIPLYING THE GROUND DISTANCE BY A COMBINATION FACTOR OF 0.99993551876.

LEGAL DESCRIPTION:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: PARCEL 1 THE WESTERLY 2 1/2 ACRES OF THE EASTERLY 4 1/2 ACRES OF LOT 2 IN BLOCK 121 AS SHOWN BY MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, RECORDED IN BOOK 11, PAGE 10 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA BEING ALL OF SAID EASTERLY 4 1/2 ACRES. EXCEPTING THE EASTERLY 132.00 FEET THEREOF.

APN: 484-030-026

PARCEL 2: THAT PORTION OF LOT 2, BLOCK 121 AS SHOWN BY MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, AS SHOWN BY MAP RECORDED IN BOOK 11, PAGE 10 OF MAPS, SAN BERNARDINO COUNTY RECORDS, DESCRIBED AS FOLLOWS: BEGINNING ON THE NORTH LINE OF SAID LOT AT A POINT 231.00 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID LOT TO A POINT ON THE SOUTH LINE THEREOF, DISTANT 231.00 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT, 132.00 FEET TO THE SOUTHWEST CORNER OF THE EAST 4.5 ACRES OF SAID LOT; THENCE NORTH ALONG THE WEST LINE OF SAID EAST 4.5 ACRES TO A POINT ON THE NORTH LINE OF SAID LOT; THENCE WEST ALONG THE NORTH LINE OF SAID LOT, 132.00 FEET MORE OR LESS TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE NORTH 120.00 FEET OF THE WEST 60.00 FEET THEREOF.

APN: 484-030-013

BUILDING PLAN SUMMARY

	BLDG 1	BLDG 2	BLDG 3	BLDG 4	CLUBHOUSE
BUILDING TYPE	B	C	B	A	--
CONSTRUCTION CLASSIFICATION	TYPE V-B SPRINKLERED				
BUILDING AREA	8,353	9,395	8,353	8,353	2,588
UNITS/BUILDING	24	24	24	24	--
NUMBER OF STORIES	3	3	3	3	1
TOTAL FLOOR AREA	25,012	28,072	25,012	25,012	2,588

VICINITY MAP

NOT TO SCALE

EASEMENT SUMMARY:

1 WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT DISCLOSED BY THE PUBLIC RECORDS--BLANKET IN NATURE DISPOSITION: TO BE PROTECTED IN PLACE

4 AN IRREVOCABLE OFFER TO DEDICATE AN EASEMENT OVER A PORTION OF SAID LAND FOR PURPOSE(S): PUBLIC STREET, ROAD OR HIGHWAY RECORDING DATE: MAY 29, 2014 RECORDING NO: 2014-0197621, OFFICIAL RECORDS AFFECTS: PARCEL 1 AND RE-RECORDING DATE: JULY 31, 2014 AND RE-RECORDING NO: 2014-028933, OFFICIAL RECORDS--SHOWN HEREIN DISPOSITION: TO BE PROTECTED IN PLACE

SITE PLAN SUMMARY:

ACREAGE (LOTS 1 & 2)	3.86 AC
ACREAGE (PUBLIC STREETS: ALESSANDRO BLVD AND COPPER COVE LANE RIGHT OF WAY DEDICATION)	0.10 AC
OFFSITE IMPROVEMENT AREA PRIOR TO STREET DEDICATION.	0.21 AC
TOTAL SITE IMPROVEMENT AREA	4.07 AC
TOTAL GROSS ACREAGE	3.96 AC
TOTAL NET ACREAGE	3.96 - 0.10 = 3.86 ACRES
DENSITY (96 UNITS/3.86 ACRES)	= 24.9 DU/AC

TOTAL AREA	168,290 SF (100.0 %)
LANDSCAPE AREA (OPEN SPACE) INCLUDES PLANTING, WALKWAYS, BIO-RETENTION BASINS, POOL AREA, TOT LOT, AND DOG PARK	71,931 SF (42.7 %)
PAVED PARKING AREA	60,372 SF (35.9 %)
BLDG COVERING AREA	35,987 SF (21.4 %)
EXISTING LAND USE	CORRIDOR MIXED USE (CMU)
PROPOSED LAND USE	CMU-RESIDENTIAL
FEMA FLOOD ZONE	D (FIRM MAP NO. 06065C0765G)

COMMON OPEN SPACE SUMMARY		
TOTAL NUMBER OF UNITS:	96	
REQUIRED COMMON OPEN SPACE:	28,800 SF (300 SF/UNIT)	
PROVIDED COMMON OPEN SPACE:	29,705 SF	

PARKING SUMMARY		
REQUIRED:	REQUIRED SPACES	PROVIDED SPACES
1.5 PKG/1 BDRM UNIT (48 UNITS)	72	
2 PKG/2 BDRM UNIT (48 UNITS)	96	
SUBTOTAL	168	
PROVIDED:		
CARPORIT PKG (ASSIGNED)	96	97
OPEN PARKING (ASSIGNED AND UNASSIGNED)	72	72
ACCESSIBLE (TOTAL)*	5	6 (3 VAN)
CARPORIT ACCESSIBLE (92 SPACES@2%)	2	2 (1 VAN)
ASSIGNED ACCESSIBLE (81 SPACES@2%)	2	3 (1 VAN)
UNASSIGNED ACCESSIBLE(20 SPACES@5%)	1	1 (1 VAN)
EV READY*		18 (11 VAN)

TOTAL	168	169 SPACES
PARKING RATIO (=169/96)		1.76 SPACES/UNIT

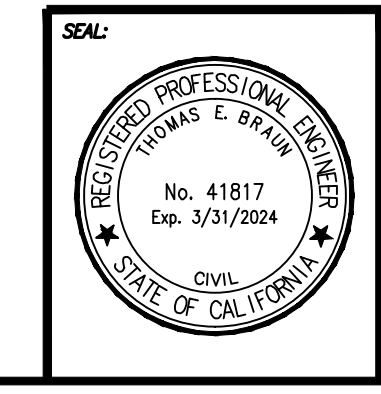
*ALREADY INCLUDED IN TOTAL COUNTS (FOR INFORMATIONAL PURPOSES)

LANDSCAPE COVERAGE RATIO		
TOTAL LANDSCAPE AREA	1.70 AC	
TOTAL AREA:	3.96 AC	
LANDSCAPE COVERAGE RATIO: (=1.70/3.96)x100	42.9 %	

GENERAL NOTES

- SITE PLAN SHALL MEET ENGINEERING AND NPDES REQUIREMENTS.
- DETAILED PROJECT DESCRIPTION: THE PROPOSED PROJECT INCLUDES FOUR (4) APARTMENT BUILDINGS WITH 88 UNITS FOR LEASE. THE SITE OF THE PROJECT WILL INCLUDE PARKING IN BOTH OPEN AND CARPORT SPACES, UNDERGROUND WET AND DRY UTILITIES, COMMUNITY WALKWAYS, ABOVE GROUND BIO-RETENTION BASINS, COMMUNITY POOL AND RECREATION AREA, AS WELL AS LANDSCAPED AREAS. THE PROJECT ALSO PROPOSES THE WIDENING OF ALESSANDRO BLVD AND COPPER COVE LANE WITHIN THE SITE PROPERTY LIMITS.

DATE: 1/23/2023



PREPARED BY (ENGINEER):
PROACTIVE
ENGINEERING CONSULTANTS
200 South Main Street, Suite 300
Corona, CA 92882 (951) 280-3300
DATE: 1/17/2023
THOMAS E. BRAUN

CITY OF MORENO VALLEY
FLAMINGO BAY APARTMENTS
SITE PLAN
SHEET 1 of 3
CITY ID No. PEN22-0029
Packet Pg. 422

CONSTRUCTION NOTES

- 1 PROPOSED PUBLIC CURB AND GUTTER
- 2 PROPOSED PUBLIC SIDEWALK
- 3 PROPOSED AC PAVEMENT
- 4 PROPOSED DRIVEWAY PER CITY STD MVS1-112D-0 WITH CURB RAMPS PER CITY STD MVS1-114B-2 (AND CURRENT ADA STDS/CA CODE OF REGULATIONS TITLE 24-ACCESSIBILITY REGULATIONS)
- 5 PROPOSED PUBLIC SIDEWALK DRAIN (W=5')
- 6 EXISTING WATER METER TO BE REMOVED
- 7 EXISTING UTILITY POLE TO BE RELOCATED
- 8 DOMESTIC AND FIRE WATER APPURTENANCES
- 9 INSTALL ST LIGHT PER CITY STD MVL-400C-0
- 10 INSTALL ST LIGHT PER CITY STD MVL-400A-2
- 11 GRIND AND OVERLAY AC
- 12 PROPOSED AC DIKE AND TRANSITIONING GUTTER
- 13 RAISED MEDIAN BY OTHERS
- 14 PROPOSED WALL/FENCE PER LANDSCAPE ARCHITECT CONCEPT PLAN
- 15 PROPOSED CURB AND GUTTER
- 16 PROPOSED CURB ONLY
- 17 PROPOSED ACCESSIBLE PARKING STALL
- 18 PROPOSED CURB RAMP
- 19 PROPOSED TRASH ENCLOSURE
- 20 PROPOSED WALKWAY
- 21 PROPOSED OVERFLOW INLET (REFER TO PRELIMINARY WQMP EXHIBIT FOR DETAILS)
- 22 PROPOSED CROSS GUTTER
- 23 PROPOSED SIDEWALK DRAIN
- 24 PROPOSED RETAINING WALL
- 25 PROPOSED BIORETENTION PLANTER (REFER TO PRELIMINARY WQMP EXHIBIT FOR DETAILS)
- 26 PROPOSED 12" PVC STORM DRAIN PIPE
- 27 PROPOSED 18" HDPE STORM DRAIN PIPE
- 28 PROPOSED 24" HDPE STORM DRAIN PIPE
- 29 CONSTRUCT CHECK DAM IN BIO-RETENTION BASIN (REFER TO PRELIMINARY WQMP EXHIBIT FOR DETAILS)
- 30 CURB OPENING TO DRAIN TO BIO-RETENTION BASIN, W=24"
- 31 PROPOSED 5'x5' TREE PLANTER BOX ~50' O.C. PER LANDSCAPE ARCHITECT CONCEPT PLAN.
- P PROTECT IN PLACE

FLAMINGO BAY APARTMENTS

PRELIMINARY GRADING AND UTILITIES PLAN

FOR RESIDENTIAL APARTMENTS PURPOSES IN THE CITY OF MORENO VALLEY

PROPERTY OWNER: FB FLAMINGO BAY MV, LLC
2280 WARDLOW CIRCLE STE 250
CORONA, CA 92678
ATTN: JAMES WALTERS
(951) 498-4939

APPLICANT: EMPIRE CONSTRUCTION MGMT
2280 WARDLOW CIRCLE STE 250
CORONA, CA 92678
ATTN: DEBORAH HULL
(951) 561-0079

ENGINEER: PROACTIVE ENG CONSULTANTS INC.
200 SOUTH MAIN STREET, SUITE 300
CORONA, CA 92882
ATTN: ATI ESKANDARI
(951) 280-3300

SITE ADDRESSES:
25843 AND 25817 ALESSANDRO BLVD, MORENO VALLEY, CA

UTILITIES:
WATER: EASTERN MUNICIPAL WATER DISTRICT
SEWER: EASTERN MUNICIPAL WATER DISTRICT
TELEPHONE: VERIZON AND SPECTRUM
NATURAL GAS: SOUTHERN CALIFORNIA GAS COMPANY
ELECTRICAL: MORENO VALLEY ELECTRIC UTILITY
FIRE PROTECTION: MORENO VALLEY FIRE DEPARTMENT

BENCHMARK:
RIVERSIDE COUNTY BENCHMARK: (M-40-4 RESET)
AT THE SOUTHEAST CORNER OF NASON STREET AND ALESSANDRO BOULEVARD; 56.0 FEET EAST OF CENTERLINE OF NASON STREET; 48 FEET SOUTH OF ALESSANDRO BOULEVARD; 3' WEST OF POLE #GT-70306, 1.0 FEET NORTH OF A 4"x4" MARKER POST; A BRASS DISK SET IN TOP OF A CONCRETE POST AND MARKED M-40-4 RESET 1976.

ELEVATION (FEET): 1588.421 (NGVD29)
BASIS OF BEARING:
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, CCS83, ZONE VI, BASED LOCALLY ON CONTROL STATIONS "PPBF", "CRFP", & "MLFP" NAD83 (NSRS2011) EPOCH 2010.00, RECORDS OF THE RIVERSIDE COUNTY SURVEYOR.
ALL DISTANCES SHOWN ARE GROUND DISTANCES UNLESS SPECIFIED OTHERWISE. GRID DISTANCES, MAY BE OBTAINED BY MULTIPLYING THE GROUND DISTANCE BY A COMBINATION FACTOR OF 0.9999551876.

LEGAL DESCRIPTION:
ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: PARCEL 1 THE WESTERLY 2 1/2 ACRES OF THE EASTERLY 4 1/2 ACRES OF LOT 2 IN BLOCK 121 AS SHOWN BY MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, RECORDED IN BOOK 11, PAGE 10 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA BEING ALL OF SAID EASTERLY 4 1/2 ACRES. EXCEPTING THE EASTERLY 132.00 FEET THEREOF.

APN: 484-030-026
PARCEL 2: THAT PORTION OF LOT 2, BLOCK 121 AS SHOWN BY MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, AS SHOWN BY MAP RECORDED IN BOOK 11, PAGE 10 OF MAPS, SAN BERNARDINO COUNTY RECORDS, DESCRIBED AS FOLLOWS: BEGINNING ON THE NORTH LINE OF SAID LOT AT A POINT 231.00 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID LOT TO A POINT ON THE SOUTH LINE THEREOF, DISTANT 231.00 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT, 132.00 FEET TO THE SOUTHWEST CORNER OF THE EAST 4.5 ACRES OF SAID LOT; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 4.5 ACRES TO A POINT ON THE NORTH LINE OF SAID LOT; THENCE WEST ALONG THE NORTH LINE OF SAID LOT, 132.00 FEET OR LESS TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE NORTH 120.00 FEET OF THE WEST 60.00 FEET THEREOF.

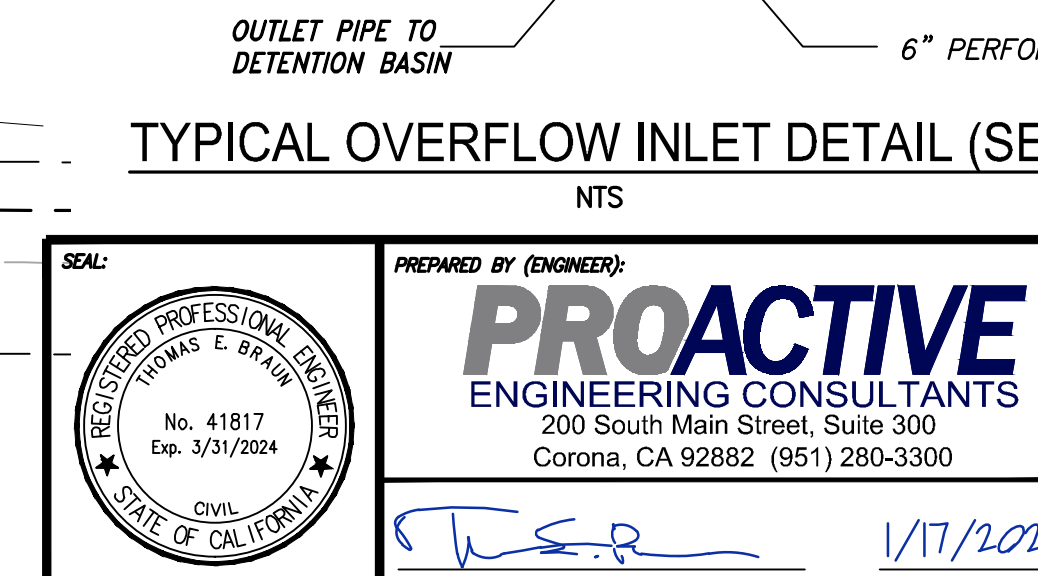
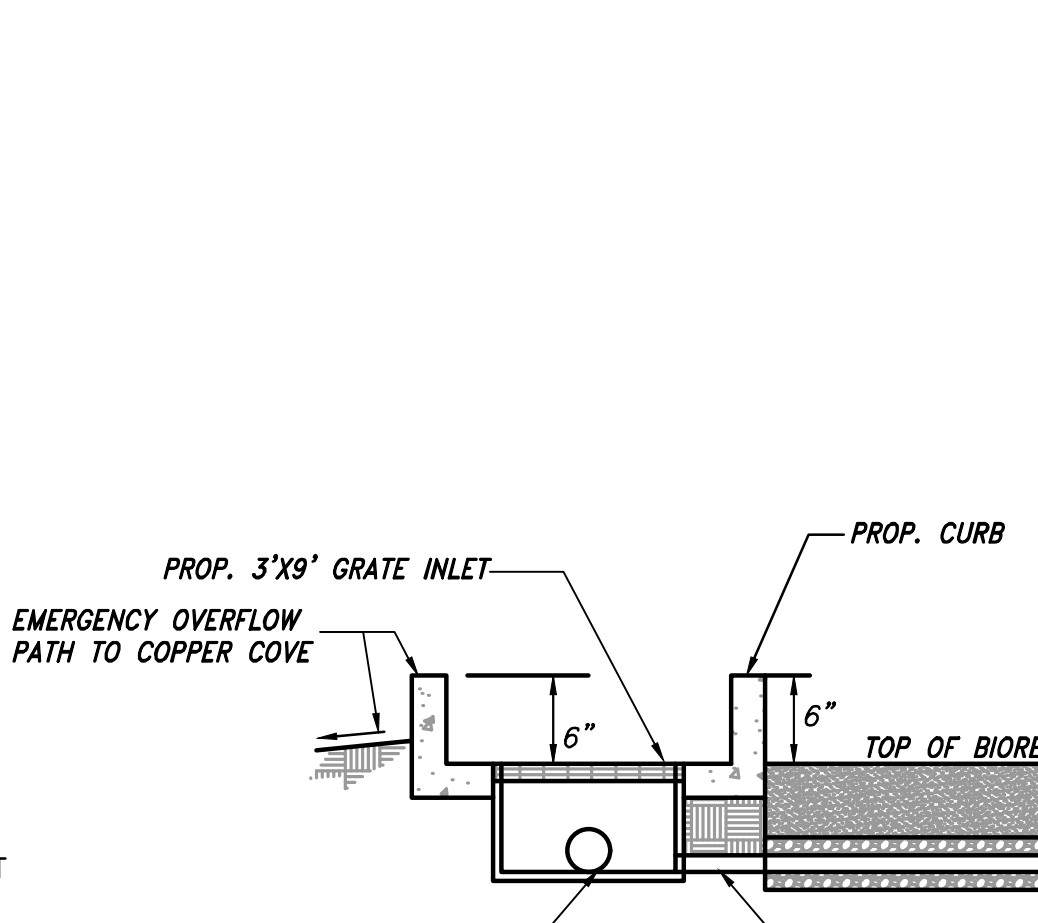
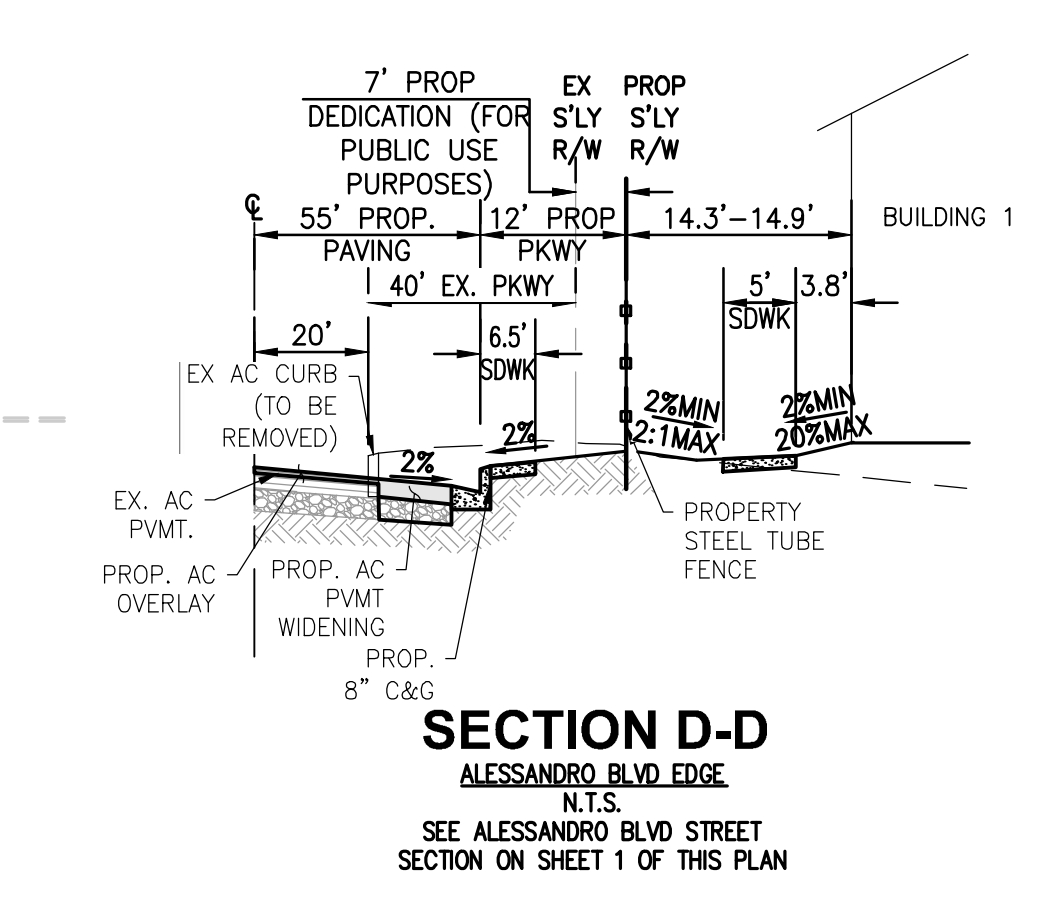
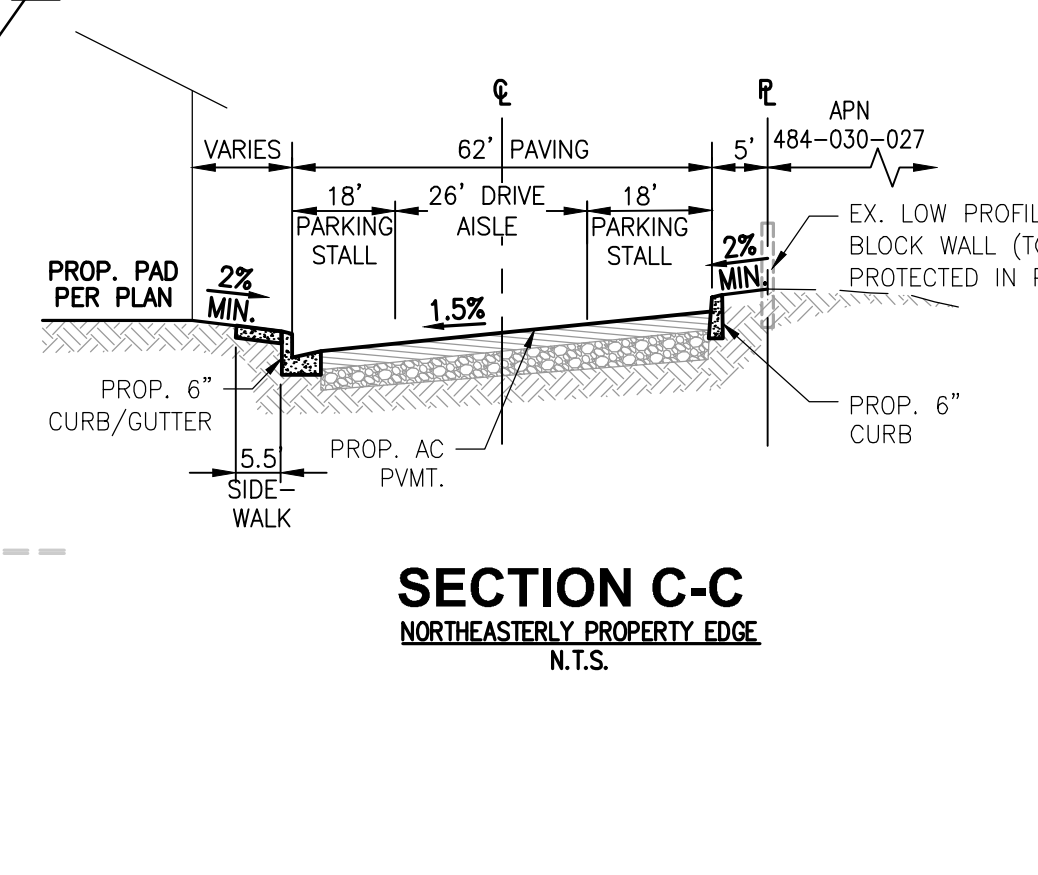
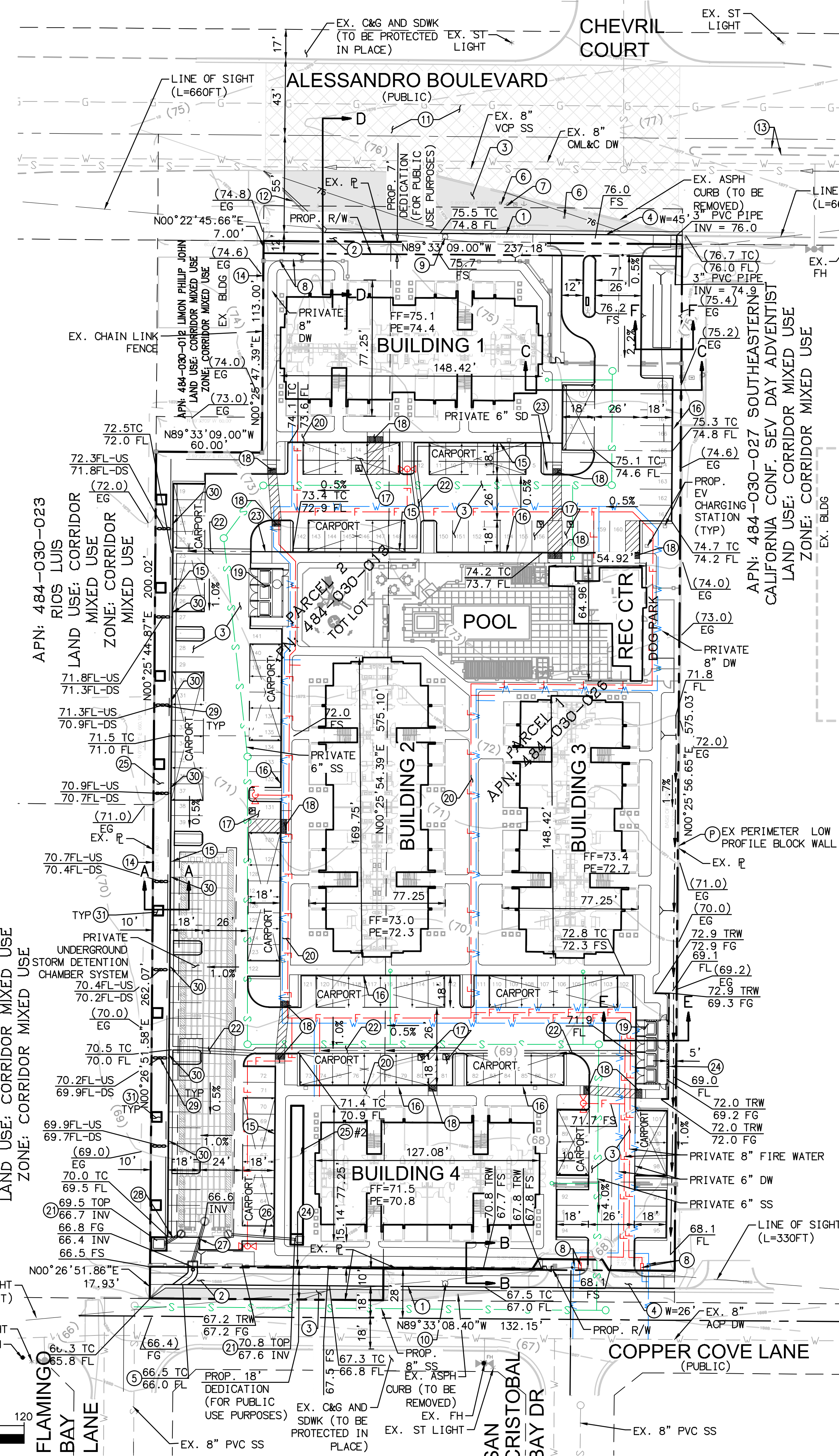
APN: 484-030-013
SITE AREA SUMMARY:
ACREAGE (LOTS 1 & 2) 3.86 AC
ACREAGE (PUBLIC STREETS: ALESSANDRO BLVD AND COPPER COVE LANE, RIGHT OF WAY DEDICATION) 0.10 AC
OFFSITE IMPROVEMENT AREA PRIOR TO STREET DEDICATION. 0.21 AC
TOTAL SITE IMPROVEMENT AREA 4.07 AC
TOTAL GROSS ACREAGE 3.96 AC
TOTAL NET ACREAGE 3.96 - 0.10 = 3.86 ACRES
DENSITY (96 UNITS/3.86 ACRES) = 24.9 DU/AC

PRELIMINARY EARTHWORK ESTIMATE
RAW CUT 4,300 CY
RAW FILL 3,900 CY
APPROXIMATE REMEDIAL GRADING (10% SHRINKAGE) 400 CY
TOTAL 8,600 CY
* EXPECTED TO BALANCE, TO BE DETERMINED PENDING FINAL DESIGN AND SOILS EXPLORATION

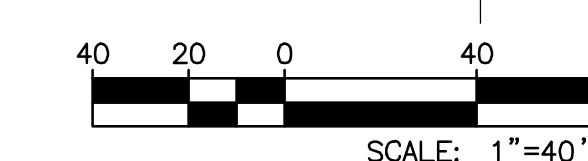
IMPERVIOUS AREAS
EXISTING: 0 SF
PROPOSED: ~141,000 SF

TOPOGRAPHY SOURCE AND DATE:
TOPOGRAPHY PROVIDED BY DELTA SURVEY AND MAPPING AND DATED APRIL 29, 2021.

DATE: 1/23/2022



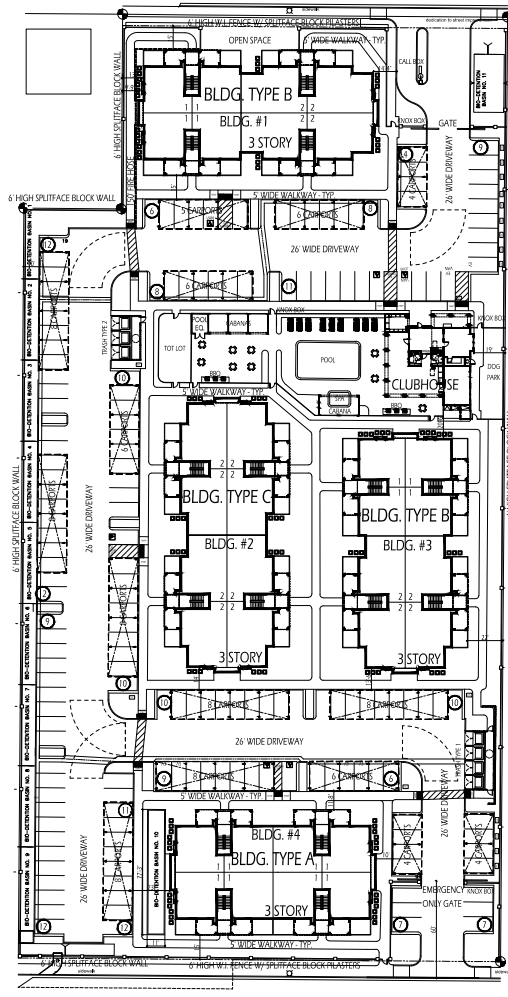
BIORETENTION BASIN ID	DEPTH "A" (INCHES)
1	27
2	27
3	27
4	27
5	27
6	27
7	30
8	24
9	24



Drawing Name: ZA10101 Flamingo Bay Apartments (Domingo) Site Plan\101 SP 002 - GRADING.dwg
 Date: Jun 23, 2023 - 10:00 am by: C. Baum

Attachment: Project Plans (6212) - PEN22-0029 Flamingo Bay Apartments

Alessandro Blvd.



Copper Cove

BUILDING TYPE A UNIT SUMMARY (24 D.U.)

PLAN NO.	SQ. FTG.	QUANTITY	BDRMS	BATHS
1	800 S.F.	24 D.U.	1	1
2	1,050 S.F.	0 D.U.	2	2

BUILDING TYPE A SUMMARY (24 D.U.)

1ST FLOOR	UNITS S.F.	6,400 S.F.
	COVERED PATIO	944 S.F.
	STAIRS	92 S.F.
	UTILITY CLOSET	106 S.F.
2ND FLOOR	UNITS S.F.	6,400 S.F.
	COVERED PATIO	944 S.F.
	STAIRS	92 S.F.
	LANDING	61 S.F.
3RD FLOOR	UNITS S.F.	6,400 S.F.
	COVERED BALCONY	944 S.F.
	LANDING	61 S.F.
TOTAL	UNITS S.F.	19,200 S.F.
	COVERED PATIO	944 S.F.
	COVERED BALCONY	1,888 S.F.
	STAIRS	188 S.F.
	LANDING	122 S.F.
	UTILITY CLOSET	106 S.F.

BUILDING TYPE B UNIT SUMMARY

PLAN NO.	SQ. FTG.	QUANTITY	BDRMS	BATHS
1	795 S.F.	12 D.U.	1	1
2	1,050 S.F.	12 D.U.	2	2

BUILDING TYPE B SUMMARY (24 D.U.)

1ST FLOOR	UNITS S.F.	944 S.F.
	COVERED PATIO	92 S.F.
	STAIRS	106 S.F.
2ND FLOOR	UNITS S.F.	944 S.F.
	COVERED PATIO	92 S.F.
	STAIRS	106 S.F.
3RD FLOOR	UNITS S.F.	944 S.F.
	COVERED BALCONY	944 S.F.
	LANDING	61 S.F.
TOTAL	UNITS S.F.	2,832 S.F.
	COVERED PATIO	1,848 S.F.
	COVERED BALCONY	1,888 S.F.
	STAIRS	188 S.F.
	LANDING	122 S.F.
	UTILITY CLOSET	106 S.F.

BUILDING TYPE C UNIT SUMMARY

PLAN NO.	SQ. FTG.	QUANTITY	BDRMS	BATHS
1	795 S.F.	12 D.U.	1	1
2	1,050 S.F.	12 D.U.	2	2

BUILDING TYPE C SUMMARY (24 D.U.)

1ST FLOOR	UNITS S.F.	8,400 S.F.
	COVERED PATIO	944 S.F.
	STAIRS	92 S.F.
	UTILITY CLOSET	106 S.F.
2ND FLOOR	UNITS S.F.	8,400 S.F.
	COVERED PATIO	944 S.F.
	STAIRS	92 S.F.
	LANDING	61 S.F.
3RD FLOOR	UNITS S.F.	8,400 S.F.
	COVERED BALCONY	944 S.F.
	LANDING	61 S.F.
TOTAL	UNITS S.F.	25,200 S.F.
	COVERED PATIO	944 S.F.
	COVERED BALCONY	1,888 S.F.
	STAIRS	188 S.F.
	LANDING	122 S.F.
	UTILITY CLOSET	106 S.F.

BUILDING TYPE D UNIT SUMMARY

PLAN NO.	SQ. FTG.	QUANTITY	BDRMS	BATHS
1	795 S.F.	12 D.U.	1	1
2	1,050 S.F.	24 D.U.	2	2

BUILDING TYPE D SUMMARY (24 D.U.)

1ST FLOOR	UNITS S.F.	944 S.F.
	COVERED PATIO	92 S.F.
	STAIRS	106 S.F.
2ND FLOOR	UNITS S.F.	944 S.F.
	COVERED PATIO	92 S.F.
	STAIRS	106 S.F.
3RD FLOOR	UNITS S.F.	944 S.F.
	COVERED BALCONY	944 S.F.
	LANDING	61 S.F.
TOTAL	UNITS S.F.	2,832 S.F.
	COVERED PATIO	1,848 S.F.
	COVERED BALCONY	1,888 S.F.
	STAIRS	188 S.F.
	LANDING	122 S.F.
	UTILITY CLOSET	106 S.F.

BUILDING TYPE	OCCUPANCY	CONSTRUCTION TYPE	AREA LIMITATION TABLE 506.2 2019 C.B.C.	FRONTAGE INCREASE	TOTAL ALLOWABLE AREA PER FLOOR	TOTAL ALLOWABLE USE AREA	ACTUAL BUILDING USE AREA
MULTI-FAMILY RESIDENTIAL	R-2	TYPE VB SPRINKLERED NFPA 13	21,000 S.F.	NOT USED	21,000 S.F.	21,000 S.F.	20,884 S.F.

BUILDING TYPE	OCCUPANCY	CONSTRUCTION TYPE	AREA LIMITATION TABLE 506.2 2019 C.B.C.	FRONTAGE INCREASE	TOTAL ALLOWABLE AREA PER FLOOR	TOTAL ALLOWABLE USE AREA	ACTUAL BUILDING USE AREA
MULTI-FAMILY RESIDENTIAL	R-2	TYPE VB SPRINKLERED NFPA 13	21,000 S.F.	NOT USED	21,000 S.F.	21,000 S.F.	24,782 S.F.

BUILDING TYPE	OCCUPANCY	CONSTRUCTION TYPE	AREA LIMITATION TABLE 506.2 2019 C.B.C.	FRONTAGE INCREASE	TOTAL ALLOWABLE AREA PER FLOOR	TOTAL ALLOWABLE USE AREA	ACTUAL BUILDING USE AREA
MULTI-FAMILY RESIDENTIAL	R-2	TYPE VB SPRINKLERED NFPA 13	21,000 S.F.	15,750 S.F.	36,750 S.F.	36,750 S.F.	27,842 S.F.

BUILDING TYPE	OCCUPANCY	CONSTRUCTION TYPE	AREA LIMITATION TABLE 506.2 2019 C.B.C.	FRONTAGE INCREASE	TOTAL ALLOWABLE AREA PER FLOOR	TOTAL ALLOWABLE USE AREA	ACTUAL BUILDING USE AREA
CLUBHOUSE ASSEMBLY	A-2	TYPE VB SPRINKLERED NFPA 13	24,000 S.F.	-	24,000 S.F.	24,000 S.F.	415 S.F.
	B		36,000 S.F.	-	36,000 S.F.	36,000 S.F.	1,065 S.F.

$P = 441 \text{ L.F.}$
 $F = 422 \text{ L.F.}$
 $A_1 = (21,000 \text{ S.F.} + (21,000 \text{ S.F.} \times 0.667)) \div 0$
 $A_2 = (21,000 \text{ S.F.} + (4,007 \text{ S.F.} + 0))$
 $A_3 = 35,007 \text{ S.F.}$

$P = 456 \text{ L.F.}$
 $F = 450 \text{ L.F.}$
 $A_1 = (21,000 \text{ S.F.} + (21,000 \text{ S.F.} \times 0.75)) \div 0$
 $A_2 = (21,000 \text{ S.F.} + (15,750 \text{ S.F.} + 0))$
 $A_3 = 36,750 \text{ S.F.}$

FLAMINGO BAY APARTMENTS

MORENO VALLEY, CA
96 Apartment Homes

FB FLAMINGO BAY MV, LLC BRIAN KING (909) 499-6995

PARKING ANALYSIS

TOTAL PARKING SPACES REQUIRED: 168 SPACES

1 BDRM:	48 D.U. X 1.5 SPACES/D.U.	72 SPACES
2 BDRMS:	48 D.U. X 2.0 SPACES/D.U.	96 SPACES
TOTAL SPACES REQUIRED:		168 SPACES

TOTAL SPACES PROVIDED: 171 SPACES

TYPE OF PARKING SPACES:	QUANTITY REQUIRED:	QUANTITY PROVIDED:
OPEN SPACES:	72 SPACES	74 SPACES
CARPITS:	96 SPACES	97 SPACES
TOTAL:	168 SPACES	171 SPACES

HANDICAP SPACES:

CARPITS:	2 SPACES	2 SPACES	(1 VAN REQ/PROVIDED)
ASSIGNED OPEN SPACES:	2 SPACES	3 SPACES	(1 VAN REQ/PROVIDED)
UNASSIGNED OPEN SPACES:	1 SPACE	1 SPACE	(1 VAN REQ/PROVIDED)
TOTAL:	5 SPACES	6 SPACES	(3 VAN REQ/PROVIDED)

PARKING SPACE SIZES:

ALL OPEN NON-HANDICAP PARKING SPACES SHALL BE 9' WIDE BY 18' DEEP WITH WHEEL STOPS WHEN PARKING SPACES ARE ADJACENT TO WALKWAYS

ELECTRIC VEHICLE CHARGING STATIONS:

18 EVCS REQUIRED (171 SPACES X 10%)
2 ACTIVE ELECTRIC VEHICLE CHARGING STATIONS LOCATED ADJACENT TO CLUBHOUSE (1 VAN/H/C ACCESSIBLE)
PROVIDE ELECTRICAL RUN AND BOXES FOR FUTURE ELECTRICAL VEHICLE CHARGERS FOR 16 TOTAL SPACES

PROJECT SUMMARY

PARCEL AREA: 3.863 ACRES (168,290 S.F.)
ZONE: CORRIDOR MIXED USE
CONSTRUCTION TYPE: TYPE VB SPRINKLERED (NFPA 13)
OCCUPANCY USE: R-2 U.I. B, A-2
ALLOWABLE DENSITY: 25 D.U./ACRE
ALLOWABLE NO. OF UNITS: 96 D.U.

SITE COVERAGE SUMMARY

PARCEL AREA: 168,290 S.F. (3.863 ACRES)
BUILDINGS COVERAGE: 30,696 S.F. (18.23%)
DRIVES & PARKING SPACES: 62,055 S.F. (36.87%)
OPEN SPACE: 75,539 S.F. (44.90%)
REQUIRED: 96 D.U. X 300 S.F./D.U. = 28,800 S.F.



TRASH TRUCK TURNING RADIUS



SITE PLAN 17

MICHAEL MCHALE, ARCHITECT
(949) 566-4951
9/1/22
SCALE: 1" = 30'-0"

A-00

Flamingo Bay Apartments



Attachment: Project Plans (6212 : PEN22-0029 Flamingo Bay Apartment)

Flamingo Bay Apartments



Pool Area

Attachment: Project Plans (6212 : PEN22-0029 Flamingo Bay Apartment)

Flamingo Bay Apartments



Attachment: Project Plans (6212 : PEN22-0029 Flamingo Bay Apartment)

Flamingo Bay Apartments



Attachment: Project Plans (6212 : PEN22-0029 Flamingo Bay Apartment)

Flamingo Bay Apartments



Attachment: Project Plans (6212 : PEN22-0029 Flamingo Bay Apartment)

Building Type C

Flamingo Bay Apartments



Attachment: Project Plans (6212 : PEN22-0029 Flamingo Bay Apartment)

Clubhouse - South & East

Flamingo Bay Apartments



Attachment: Project Plans (6212 : PEN22-0029 Flamingo Bay Apartment)

Clubhouse - North & West

Flamingo Bay Apartments



Attachment: Project Plans (6212 : PEN22-0029 Flamingo Bay Apartment)

Carport

SCHEME 1



'S' ROOF TILE



BASE STUCCO



HEADERS, POTSELVES, CAPS, TRIM & KICKERS



ACCENT STUCCO #1



ACCENT STUCCO #2



FRONT ENTRY DOORS



WROUGHT IRON



- NOTES:**
- 1) PERMANENT AUTOMATIC IRRIGATION SYSTEMS SHALL BE INSTALLED ON ALL LANDSCAPED AREAS REQUIRING IRRIGATION. LOW WATER USE SYSTEMS SHALL BE IMPLEMENTED. IRRIGATION SYSTEM SHALL BE DESIGNED TO PREVENT OVER SPRAY ONTO WALKWAYS, PARKING AREAS, BUILDINGS AND FENCES.
 - 2) ALL TREES SHALL BE MINIMUM DOUBLE-STAKED. WEAKER AND/OR SLOW-GROWING TREES SHALL BE STEEL-STAKED.
 - 3) SLOPE BANKS FIVE FEET OR GREATER IN VERTICAL HEIGHT WITH SLOPES GREATER THAN OR EQUAL TO 3:1 TO BE LANDSCAPED AT A MINIMUM WITH AN APPROPRIATE GROUND COVER, ONE 1.5-GALLON OR LARGER SIZE TREE PER 600 SQUARE FEET OF SLOPE AREA, AND ONE 1-GALLON OR LARGER SHRUB FOR EACH 100 SQUARE FEET OF SLOPE AREA. SLOPE BANKS IN EXCESS OF EIGHT FEET IN VERTICAL HEIGHT WITH SLOPES GREATER OR EQUAL TO 2:1 SHALL ALSO BE PROVIDED WITH ONE 5-GALLON OR LARGER TREE PER 1,000 SQUARE FEET OF SLOPE AREA IN ADDITION TO THE ABOVE REQUIREMENTS.
 - 4) ALL LANDSCAPE AREAS SHALL RECEIVE 3" DEPTH SHREDDED BARK MULCH
 - 5) ALL UTILITIES SHALL BE SCREENED WITH APPROPRIATE PLANT MATERIAL
 - 6) ALL PARKWAYS, LANDSCAPING, FENCING AND ON-SITE LIGHTING SHALL BE MAINTAINED BY THE PROPERTY OWNER.
 - 7) ALL IRRIGATED AREAS TO HAVE MOISTURE SENSORS INSTALLED TO ENSURE PLANT MATERIAL SURVIVAL.
 - 8) A COMBINATION OF TREES, SHRUBS, AND GROUND COVER SHALL BE INCORPORATED INTO LANDSCAPING PLANS.
MINIMUM SIZES ARE AS FOLLOWS:
 - TREES: 24-INCH BOX (15 GALLON SIZE ACCEPTABLE FOR SLOPES).
 - SHRUBS: 5-GALLON, AND
 - SHRUBS: 1-GALLON (PLANTED DENSELY TO ACHIEVE 100 PERCENT COVERAGE IN ONE YEAR).
 - 9) DRIP SYSTEMS SHOULD BE USED IN ALL AREAS EXCEPT TURF IRRIGATION AND SMALL ORNAMENTAL PLANTING.
 - 10) NATIVE AND DROUGHT TOLERANT PLANTS WILL BE INCORPORATED WHEREVER POSSIBLE.
 - 11) THE APPLICANT INSURES THAT MATURE PLANTINGS WILL NOT INTERFERE WITH UTILITIES, ADJACENT SITE, EXISTING STRUCTURES AND TRAFFIC SIGHT LINES.
 - 12) THIS PLAN IS IN CONFORMANCE WITH THE CITY OF MORENO VALLEY DEVELOPMENT CODE AND DESIGN GUIDELINES AND SHALL BE USED IN CONJUNCTION WITH THE CITY-WIDE DESIGN GUIDELINES FOR LANDSCAPING.
 - 13) TREES AND SHRUBS SHALL BE PLACED A MINIMUM OF 5' AWAY FROM WATER METER, GAS METER, OR SEWER LATERALS; A MINIMUM OF 10' AWAY FROM POWER POLES; AND A MINIMUM OF 8' AWAY FROM FIRE HYDRANTS AND FIRE DEPARTMENT SPRINKLER AND STANDPIPE CONNECTIONS.
 - 14) ALL SHRUB AREAS AND SLOPE IRRIGATION SHALL BE DRIP-TYPE IRRIGATION AS MEASURED IN GALLONS PER HOUR.
 - 15) ALL PLANTERS ADJACENT TO PARKING STALLS SHALL RECEIVE A 12" CONCRETE STEP OUT, (IN ADDITION TO THE 6" WIDE CURB)

SEE SHEET 2 FOR PLANT LEGEND

SHEET INDEX

- L-1: OVERALL SITE PLAN
- L-2: ENLARGEMENTS
- L-3: FENCE AND WALL PLAN

SITE ADDRESS:
25843 AND 25817 ALESSANDRO BLVD
MORENO VALLEY, CA

APN: 484-030-026

TOTAL SITE NET AREA: 3.8 ACRES
TOTAL LANDSCAPE AREA: 44,500 S.F.
/ 1.01 ACRES (27% OF NET AREA)

OWNER:
FB FLAMINGO BAY MV, LLC
CONTACT: JAMES WALTERS
2280 WARDLOW CIRCLE STE 250
CORONA, CA 92878
951-498-4939
JWALTERS@FAIRBROOKCOMMUNITIES.COM

APPLICANT:
EMPIRE CM, INC.
CONTACT: BRIAN KING
2280 WARDLOW CIRCLE STE 250
CORONA, CA 92878
909-499-6995
BKING@EMPIRECMINC.COM

CIVIL ENGINEER:
PROACTIVE ENGINEERING
CONTACT: ADRIANA GRIFFITH
200 S. MAIN ST. SUITE 300
CORONA, CA 92882
951-280-3312
AGRIFITH@PROENG.NET

ARCHITECT:
MICHAEL MCHALE ARCHITECTS
CONTACT: MICHAEL MCHALE
949-566-4951
MCHALEARCHITECTS@YAHOO.COM

LANDSCAPE ARCHITECT:
DAVID NEAULT ASSOCIATES
CONTACT: BRYAN LOVE
41877 ENTERPRISE CIRCLE NORTH #140
TEMECULA, CA. 92590
951-296-3430
blove@dnaassociates.com

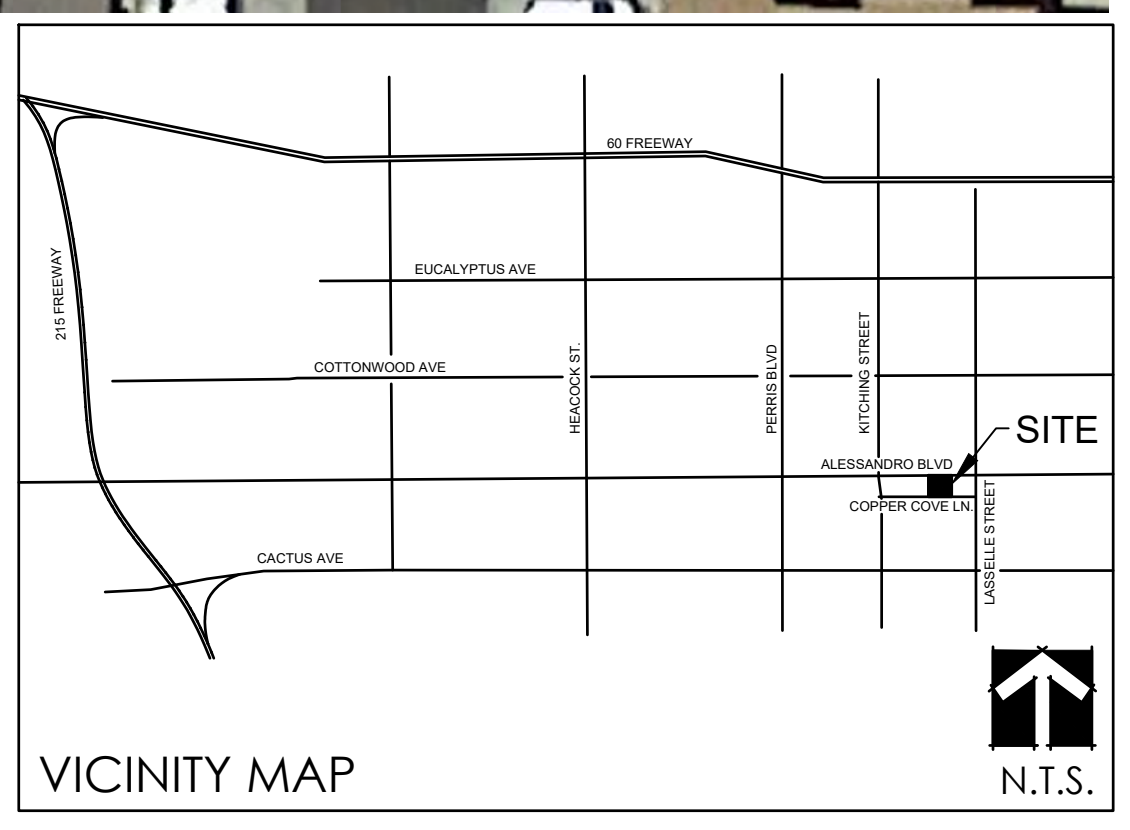
TOTAL NUMBER OF UNITS: 88
REQUIRED COMMON OPEN SPACE:
26,400 S.F. (300 S.F./UNIT)
PROVIDED: 29,705 S.F.

TREE COUNT
REQUIRED TREES
- (1) TREE PER 30 LNF OF BUILDING PUBLIC OR PARKING VIEW - 980 LNF / 33 TREES REQUIRED

- (1) TREE PER 40 LNF OF STREET FRONTAGE, PLUS (1) TREE PER 500S.F. OF ROW LANDSCAPE AREA - 420 LNF & 2740 S.F. / 16 TREES REQUIRED

-(2) TREES AT END OF EACH PARKING AISLE, (1) TREE PER FINGER ISLAND FOR PARKING - 30 TREES REQUIRED

TOTAL TREES REQUIRED ON PROJECT - 79 TREES
TOTAL TREES PROVIDED - 101 TREES



SHEET L-1 OF 3
OVERALL SITE PLAN

LANDSCAPE CONCEPT PLAN FOR:
FLAMINGO BAY APARTMENTS
EMPIRE CM, Inc.

Scale: 1"=30'

0 30' 60' 120'

NORTH

David NEAULT ASSOCIATES Inc.
951 | 296 | 3430
www.dnaassociates.com

MORENO VALLEY, CALIFORNIA



ENLARGEMENT AT RECREATION AREA

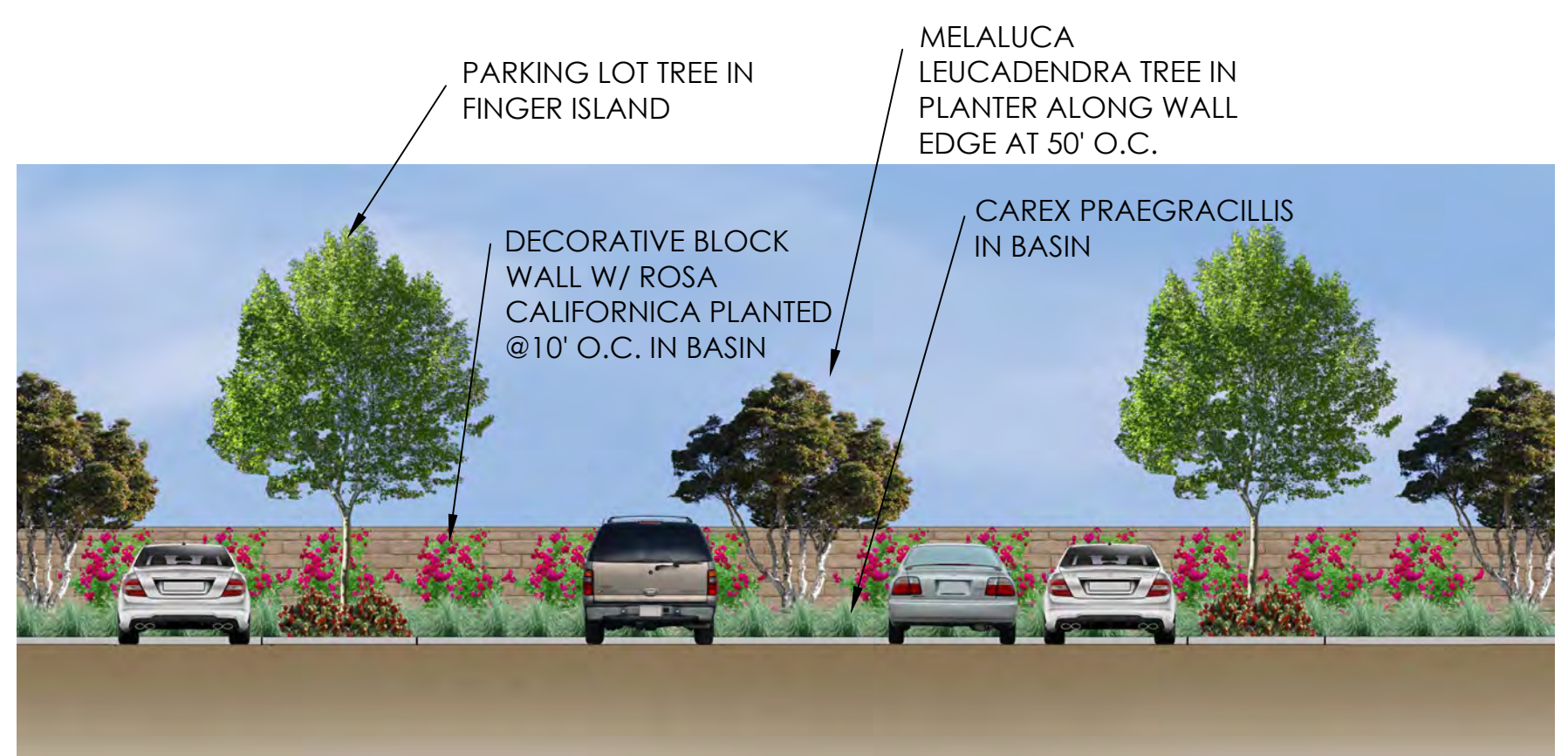
CONCEPTUAL PLANT LEGEND

BOTANICAL NAME	COMMON NAME	MIN. SIZE	SPACING	WUCOLS ZONE 4
STREET TREES				
ALESSANDRO BLVD OLEA EUROPEA 'FRUITLESS'	FRUITLESS OLIVE	36" BOX	AVG. 30' O.C.	LOW
LASSELLE STREET PINUS CANARIENSIS	CANARY ISLAND PINE	24" BOX	AVG. 30' O.C.	MOD
COPPER COVE LANE PLATANUS ACERIFOLIA 'BLOODGOOD'	LONDON PLANE TREE	24" BOX	AVG. 30' O.C.	MOD
PARKING LOT TREES				
GEUERA PARVIFLORA	AUSTRALIAN WILLOW	24" BOX	AS SHOWN	MOD
PLATANUS A. "COLUMBIA"	LONDON PLANE TREE	24" BOX	AS SHOWN	MOD
PYRUS "BRADFORD"	BRADFORD PEAR	24" BOX	AS SHOWN	MOD
MELALUCA LEUCENDENDRA	PAPERBARK TREE	24" BOX	AS SHOWN	MOD
ENTRY ACCENT PALMS				
PHOENIX DACTYLIFERA	DATE PALM	MIN. 14' B.T.H.	AS SHOWN	MOD
POOL AREA PALMS				
SYAGRUS ROMANZOFFIANUM	QUEEN PALM	MIN. 12' B.T.H.	AS SHOWN	MOD
TRACHYCARPUS FORTUNEI	WINDMILL PALM	MIN. 12' B.T.H.	AS SHOWN	MOD
WASHINGTONIA FILIFERA	CALIFORNIA FAN PALM	MIN. 14' B.T.H.	AS SHOWN	MOD
INTERIOR LANDSCAPE AND FOUNDATION TREES				
ERIOBOTRYA DEFLEXA	BRONZE LOQUAT	24" BOX	AS SHOWN	MOD
CERCIDIUM "DESERT MUSEUM"	PALO VERDE	24" BOX	AS SHOWN	LOW
CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	24" BOX	AS SHOWN	LOW
JUNIPERUS SPECIES	JUNIPER	24" BOX	AS SHOWN	MOD
LAGERSTROEMIA INDICA	CRAPE MYRTLE	24" BOX	AS SHOWN	MOD
LAURUS NOBILIS	SWEET BAY	24" BOX	AS SHOWN	LOW
MAGNOLIA "ST. MARY'S"	SOUTHERN MAGNOLIA	24" BOX	AS SHOWN	MOD
OLEA EUROPAEA	OLIVE	24" BOX	AS SHOWN	LOW
PLATANUS A. "COLUMBIA"	LONDON PLANE TREE	24" BOX	AS SHOWN	MOD
PYRUS "BRADFORD"	BRADFORD PEAR	24" BOX	AS SHOWN	MOD
PRUNUS "BRIGHT N' TIGHT"	CAROLINA LAUREL CHERRY	24" BOX	AS SHOWN	MOD
RHAPHIOLEPIS "MAJESTIC BEAUTY"	INDIA HAWTHORN	24" BOX	AS SHOWN	MOD
SHRUBS / PERENNIALS / GRASSES				
AGAVE BRACTEOSA	CANDELABRA AGAVE	5 GALLON	4' O.C.	LOW
ANIGOZANTHOS FLAVIDUS	KANGAROO PAW	5 GALLON	3' O.C.	LOW
ARBITUS UNEDO	STRAWBERRY TREE	5 GALLON	5' O.C.	LOW
BUXUS JAPONICA	JAPANESE BOXWOOD	5 GALLON	4' O.C.	MOD
CALLISTEMON "LITTLE JOHN"	DWARF BOTTLEBRUSH	5 GALLON	4' O.C.	LOW
CISTIS X PURPUREUS	ORCHID ROCKROSE	5 GALLON	5' O.C.	LOW
DIETES BICOLOR	FORTNIGHT LILY	5 GALLON	3' O.C.	MOD
ELAEGNUS PUNGENS	SILVERBERRY	5 GALLON	4' O.C.	LOW
EUONYMUS SPP	EUONYMUS	5 GALLON	4' O.C.	MOD
FEJOA SELLOWIANA	PINEAPPLE GUAVA	5 GALLON	6' O.C.	LOW
HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	1 GALLON	2' O.C.	MOD
HEMEROCALLIS HYBRIDS	DAYLILY	5 GALLON	2' O.C.	MOD
HESPERALOE PARVIFLORA	RED YUCCA	5 GALLON	3' O.C.	LOW
HETEROMELES ARBUTIFOLIA	TOYON	5 GALLON	3' O.C.	LOW
ILEX VOMITORIA	DWARF YAUPON	5 GALLON	3' O.C.	LOW
KNIPHOFIA UVARIA	RED HOT POKER	1 GALLON	2' O.C.	LOW
LEPTOSPERMUM SCOPARIUM	NEW ZEALAND TEA TREE	5 GALLON	5' O.C.	LOW
LAURUS NOBILIS	SWEET BAY	5 GALLON	5' O.C.	LOW
LEUCOPHYLLUM F. "GREEN CLOUD"	TEXAS RANGER	5 GALLON	5' O.C.	LOW
LIGUSTRUM TEXANUM	TEXAS PRIVET	5 GALLON	4' O.C.	MOD
MUHLENBERGIA CAPILLARIS	PINK MUHLY	1 GALLON	2' O.C.	LOW
MUHLENBERGIA RIGENS	DEER GRASS	1 GALLON	2' O.C.	MOD
RHAPHIOLEPIS 'CLARA'	INDIA HAWTHORN	5 GALLON	4' O.C.	MOD
ROSA 'ICEBERG'	SHRUB ROSE	5 GALLON	4' O.C.	MOD
ROSMARINUS O. 'TUSCAN'	UPRIGHT ROSEMARY	5 GALLON	3' O.C.	LOW
SALVIA LEUCANTHA	MEXICAN SAGE	5 GALLON	4' O.C.	LOW
WESTRINGIA FRUTICOSA	COAST ROSEMARY	5 GALLON	5' O.C.	LOW
YUCCA G. 'GOLDEN SWORD'	YUCCA	5 GALLON	4' O.C.	LOW
GROUNDCOVERS				
ACACIA R. 'LOWBOY'	ACACIA	1 GALLON	3' O.C.	LOW
BACCHARIS P. 'TWIN PEAKS'	DWARF COYOTE BRUSH	1 GALLON	3' O.C.	LOW
LAVANDULA STOECCHAS	SPANISH LAVENDER	1 GALLON	2' O.C.	LOW
LONICERA JAPONICA	HONEYSUCKLE	FLATS	12" O.C.	LOW
MYOPORUM PARVIFOLIUM	MYOPORUM	FLATS	12" O.C.	LOW
SENECIO MANDRALUSCAE	BLUE CHALK STICKS	FLATS	12" O.C.	LOW
ROSA 'FLOWER CARPET VARIETIES'	GROUNDCOVER ROSE	1 GALLON	2' O.C.	MOD
ROSMARINUS O. 'PROSTRATUS'	PROSTRATE ROSEMARY	FLATS	12" O.C.	LOW
BIO RETENTION AREA				
CAREX PRAEGRACILLIS	CALIFORNIA FIELD SEDGE	PLUGS	3' O.C.	MED
ROSA CALIFORNICA	CALIFORNIA WILD ROSE	5 GALLON	15' O.C.	MED
VINES				
AMPELOPSIS VEITCHII	BOSTON IVY	5 GALLON	15' O.C.	MOD
BIGNONIA CHERERE	BLOOD RED TRUMPET VINE	5 GALLON	15' O.C.	MOD
DOXANTHA UNGUIS-CATI	CAT'S CLAW VINE	5 GALLON	15' O.C.	LOW
TURF GRASS (RECREATIONAL USE)				
MARATHON II OR EQUAL	DWARF TALL FESCUE	SOD		HIGH



ENTRY MONUMENT

SCALE: 1/4" = 1'-0"



VIEW OF WEST EDGE

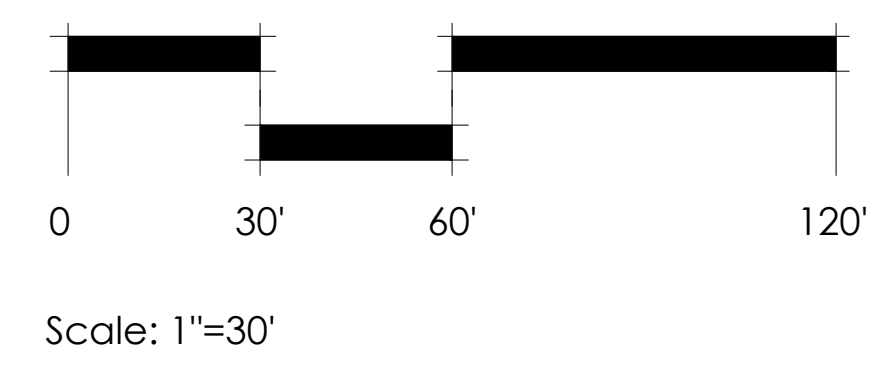
SCALE: 1" = 10'-0"



BIO RETENTION PLANT MATERIAL
CAREX PRAEGRACILLIS / CALIFORNIA FIELD SEDGE

SHEET L-2 OF 3
ENLARGEMENT

LANDSCAPE CONCEPT PLAN FOR:
FLAMINGO BAY APARTMENTS
EMPIRE CM, Inc.



MORENO VALLEY, CALIFORNIA

Zone: COMU



Legend

Zoning

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

Master Plan of Trails

- Bridge
- Improved
- Multiuse
- Proposed
- Regional
- State

Road Labels

- Parcels
- Image Source: Nearmap

Notes:

PEN22-0029

315.5 0 157.74 315.5 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.