

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN25-0136)

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CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Conditional Use Permit (PEN25-0136)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENT

Planning 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. 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.
3. 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), per the Municipal
4. 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 per the Municipal Code.
5. This approval shall expire 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 per the Municipal Code.
6. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs

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of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

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 occupancy or 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 per the Municipal Code.
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 per the Municipal Code.
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be consistent with this approval.

Special Conditions

10. Drive-up or drive-through speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line per the Municipal Code.
11. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.

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12. Prior to building permit issuance, CC&Rs shall be submitted to the City for review addressing reciprocal access, shared parking, landscape maintenance, etc.
13. A minimum of one outdoor trash receptacle shall be provided on site for use by patrons for every required ten (10) parking spaces. (MC 9.09.080 C5)
14. This approval is for PEN25-0136, Conditional Use Permit (CUP) for the development of a new McDonald's restaurant at 11875 Pigeon Pass RD (APN: 264-030-025). The project includes a drive-through, associated parking, and landscape improvements. A change or modification shall require separate approval. For a Conditional Use Permit, violation may result in revocation of the Conditional Use Permit.
15. Special Condition 4
16. Special Condition 5

Prior to Building Permit

17. Prior to issuance of any Prior to issuance of any building permit, all Conditions of Approval, Mitigation Measures, and Airport Land Use Commission Conditions of Approval shall be printed on the building plans.
18. 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).
19. Prior to the issuance of a building permit, unless required differently by local, state or federal law, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact or mitigation fees, including but not limited to Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee, Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
20. 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:

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- a. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls.
 - d. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas. (or No sod shall be installed) E. Street trees shall be provided every 40 feet on center in the right of way.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.
 - g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.
 - h. Landscaping on three sides of any trash enclosure.
 - i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan). [only include items above that apply to the project]
21. 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)
22. Prior to issuance of Building permit, 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.

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23. Prior to issuance of building permit, 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 (Ord).
24. 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.
25. 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)
26. 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)
27. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
28. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work

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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, CEQA).

29. 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. The pathways shall be shown on the precise grading plan.
30. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Building and Safety Division for review and approval by the Planning Division as follows: A. A maximum 6-foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas. B. 3-foot high decorative wall, solid hedge, or berm shall be placed in any setback areas between a public right of way and a parking lot for screening. C. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement. D. Proposed screening walls for truck loading areas and required loading docks shall also include decorative block walls with pilasters with a height of up to fourteen (14) feet to fully screen trucks (industrial and some situations with commercial uses). E. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement, and design will be based on a site-specific review of the project. All walls are subject to the approval of the Planning Official. (MC)
31. 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.
32. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.

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Building & Safety Division

33. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, workspaces, trash enclosures, etc.
34. The appropriation from local tax from construction contracts to the local jurisdiction of the specific construction job site is hereby required. This is accomplished by a contractor or subcontractor obtaining a construction site sub-permit for the job site. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are subject to this condition.
- The qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to obtain a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any Notice to Proceed(s), the Prime Contractor shall provide the City of Moreno Valley Finance and Management Services Department with a list of subcontractors associated with the project along with a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project.
35. All new structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Standards Code (California Code of Regulations, Title 24) including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
36. Any construction within the city shall only be completed between the hours of seven a.m. to seven p.m. Monday through Friday, excluding holidays, and from eight a.m. to four p.m. on Saturday, unless written approval is first obtained from the Building Official or City Engineer per City of Moreno Valley Municipal Code (MC 8.14.040E).
37. The proposed project is subject to approval by the Riverside County Department of Environmental Health. Any approval letter and/or approved Health plans (via PDF) shall be submitted to the Building & Safety Division prior to permit issuance. Contact Environmental Health at 951-766-2824 for specific details.

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38. Prior to the issuance of a building permit, unless required differently by local, state or federal law, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact or mitigation fees, including but not limited to Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee, Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
39. The proposed non-residential project shall comply with California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Stations (EVCS).
40. The proposed project is subject to approval by the Moreno Valley Unified School District and all applicable fees and charges shall be paid prior to permit issuance. Contact MVUSD at 951.571.7500 Ext. 17376 for specific details.
41. Prior to plan check submittal, all new development, including residential accessory dwelling units (ADU's) are required to obtain a new property address. Address requests must be part of your initial application. The form can be obtained at the following link http://www.moval.org/city_hall/forms/building-safety/AddressRequest.pdf
42. Plans for onsite water & sewer shall be submitted to the Building & Safety Division for review/approval.
43. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code. Electronic/Digital signature is acceptable as all plan submittals are electronic reviews.
44. Contact the Building Safety Division for permit application submittal requirements. The following link gives the minimum plan submittal requirements: http://www.moval.org/city_hall/forms/building-safety/CommercialSubmittalRequirements.pdf.
45. Prior to permit issuance, every applicant shall submit a properly completed Waste Management Plan (WMP), as a portion of the building or demolition permit process. Contact the Solid Waste & Recycling Program at recycle@moval.org. (MC 8.80.030).
46. The proposed project is subject to approval by the Eastern Municipal Water District and all applicable fees and charges shall be paid prior to permit issuance. Contact EMWD at 951.928.3777, ext. 2081 for specific details.

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FIRE DEPARTMENT

Fire Prevention Bureau

47. After the local water purveyor/company signs public improvement water system plans, the off-site water plans shall be submitted to the Fire Prevention Bureau for review and approval. Plans for private fire service mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. 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 100' feet of the fire department connection for buildings protected with a required water based fire protection system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 ½" x 2 ½") The required public and private fire service main, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. (CFC 105, 507, 3313, Appendix C, NFPA 24, and RVC Fire Dept. Water Supply Standard)
48. 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), Moreno Valley Municipal Code, and related codes, which are in effect at the time of building plan submittal. Once all fire related permits have been approved, a fire final inspection shall be conducted prior to the building's occupancy. (CFC 105.3.3 and 106.2)
49. The Fire Department emergency vehicular access road shall be (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, have an unobstructed width of not less than twenty-four (24) feet. For structures 30 feet in height or greater, aerial fire apparatus deployment areas shall be provided at a minimum of two (2) sides of each structure by providing fire access road(s) to be a minimum of 34' in width. An unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches shall be provided through fire apparatus access road. Turning radius for fire access roads shall be a minimum of 24' inside dimension with a 45' outside turning dimension. Fire Department access roads or driveways shall not exceed 12 percent grade. 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 City of Moreno Valley. Fire Department access driveways that are required to be over 150 feet in length shall be provided with a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. 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 only when necessary. Prior to issuance of Building Permits, the

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applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 503, CFC 501.4 and MVMC 8.36.030)

50. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system or a fire alarm control unit monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm control unit 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 907)
51. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial and residential buildings per CFC Appendix B and Table B105.1(2), Table B105.1(1), and Table B105.2. The applicant/developer shall provide documentation to demonstrate the local water system is capable of delivering said water-flow for the required 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 and MVMC 8.36.060)
52. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
53. The Fire Prevention Bureau is authorized to enforce the fire safety requirements during construction set forth in Chapter 33 of the California Fire Code. The project's fire department access and water supplies shall be in place prior to the issuance of any building permits. (CFC Chapter 33 and CBC Chapter 33)
54. If construction is phased, a phasing plan shall be reviewed and approved by the Fire Prevention Bureau and the City of Moreno Valley. During phased construction, dead end fire department access roadways and streets exceeding 150' in length shall have a turn-around capable of accommodating fire apparatus. Each phase shall be provided with an approved emergency vehicular access way and water supplies for fire protection prior to any building construction. Construction gates installed for security shall have approved fire department access locks installed prior to approval. Temporary fire access roads shall be approved by the Fire Prevention Bureau only when necessary. (CFC 106.2.4.1, 501.4, 503.1 and 503.2.5)
55. 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 903 and MVMC 8.36.030)

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56. 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)

57. All buildings shall be provided with premises identification in accordance with the Riverside County Fire Department Access Standards shall be in place 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 an approved size, in contrasting color and properly illuminated (internally/externally.) For Multi-Family Dwelling Projects and Buildings that are set back from the primary roads more than 150 feet or otherwise not visible from the public road shall be provided with an address monument to display the address in accordance with the Riverside County Fire Department Access Standards. All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be located consistently on each dwelling throughout the development. The numerals shall be no less than four (4) inches in height and shall be low voltage lighted fixtures. (CFC 505.1 and RVC Fire Access Standards)

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

Special Districts Division

58. 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 trail systems. This requirement must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This requirement will be satisfied with the successful annexation (i.e. special election process) into a special financing district. Annexation into the 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 City Council review to consider annexation into the district, the qualified elector(s) will not protest the annexation, but reserves the right to contest any future taxes that seem unfair, particularly if the financial impact of the tax is not in line with the benefits the property gains from the improvements to be installed and/or maintained or services provided. In compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, the special election

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process must be completed within a maximum of 90 days. Alternatively, the requirement 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 requirement.

59. 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 Public Safety operational services including but not limited to: Police Protection, Fire Protection & Suppression, Emergency Medical Response and Paramedic Services. This requirement must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This requirement will be satisfied with the successful annexation (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 City Council meeting to consider annexation into the district, the qualified elector(s) will not protest the annexation, but reserves the right to contest any future taxes that seem unfair, particularly if the financial impact of the tax is not in line with the benefits the property gains from the improvements to be installed and/or maintained or services provided. In compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, the special election process must be completed within a maximum of 90 days. Alternatively, the requirement 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 requirement.
60. 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 special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the

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parcels of the project for such district. At the time of City Council review to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but reserves the right to contest any future taxes that seem unfair, particularly if the financial impact of the tax is not in line with the benefits the property gains from the improvements to be installed and/or maintained or services provided. In compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, the special election process must be completed within a maximum of 90 days. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. The developer may contact SD Admin at 951.413.3470 or at SDAdmin@moval.org.

61. 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 formation 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 City Council review to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but reserves the right to contest any future taxes that seem unfair, particularly if the financial impact of the tax is not in line with the benefits the property gains from the improvements to be installed and/or maintained or services provided. In compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, the special election process must be completed within a maximum of 90 days. An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. The developer may contact SD Admin at 951.413.3470 or at SDAdmin@moval.org.

PUBLIC WORKS DEPARTMENT

Land Development

62. Any work performed within public right-of-way requires an encroachment permit.
63. The developer shall comply with all applicable City ordinances and resolutions

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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, also referred to as the Subdivision Map Act (SMA) per the Municipal Code.

64. 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.
65. 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 the City Municipal Code. 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.
66. Local tax from construction contracts may be allocated to the local jurisdiction of the specific construction jobsite. This is accomplished by a contractor or subcontractor electing to obtain a construction site sub-permit for the jobsite. The contractors, or subcontracts, that have individual contracts with a value of \$5 million or more are eligible for this election. This qualifying contract price applies to each contract or subcontract for work performed at the jobsite, and not to the total value of the prime contract. In order to be eligible for a jobsite sub-permit, the contractor or subcontractor must meet the following criteria:
- a) have an active permit with the California Department of Tax and Fee Administration (CDTFA),
 - b) must be registered as a retailer, not consumer, of materials, and
 - c) have an executed contract over \$5 million to install materials at the jobsite.
- The \$5 million threshold applies to individual contracts held by a contractor or subcontractor and not the total project value. The Prime Contractor will require that the subcontractors or other contractors exercise their option to obtain a California Department of Tax & Fee Administration construction site sub-permit for the jobsite and allocate all eligible use tax payments to the City of Moreno Valley. Prior to any

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Notice to Proceed(s), the Prime Contractor will require that the subcontractor or other contractors provide the City of Moreno Valley with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project. The Prime Contractor will provide the City with a list of subcontractors associated with the project.

67. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. MVMC § 9.14.110
68. This project shall submit civil engineering 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 first submittal consists of, but is not limited to, the following:
 - a) Final WQMP (prior to grading plan approval);
 - b) Precise grading w/ erosion control plan (prior to building permit issuance);
 - c) As-Built revision plans (prior to Occupancy release).
69. 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.

Prior to Grading Plan Approval

70. 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. Please note:
 - 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.

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- b) The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP if exemptions do not apply.
 - c) All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.
 - d) The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.
 - e) The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.
 - f) Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.
 - g) Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
71. 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.
72. 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.
73. 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.
74. 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

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Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.

Prior to Grading Permit

75. 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. MVMC § 8.21.160
76. 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. § 8.21.070
77. An active SWPPP and WDID required prior to permit issuance (if applicable).

Prior to Building Permit

78. 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.
79. 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.
80. 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.
81. Certification for the water quality control BMPs shall be submitted for review and approved by the City Engineer.

Prior to Occupancy

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82. The developer shall complete all public improvements in conformance with current City standards, including but not limited to the following:
 - a. Applicable Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, 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.
83. 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.
84. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
85. 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.
86. 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.
87. 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

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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.

88. Applicant shall pay in-lieu fee for undergrounding of all utility lines along project frontage on Pigeon Pass Road per MVMC 9.14.130.

PARKS & COMMUNITY SERVICES DEPARTMENT

89. Prior to the issuance of a building permit, unless required differently by local, state or federal law, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact or mitigation fees, including but not limited to Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee, Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)