

Mitigation Monitoring and Report Program (MMRP)

Compass Danbe Centerpointe Project Moreno Valley, California

Lead Agency

City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Applicant

CDRE Holdings 17, LLC
523 Main Street
El Segundo, CA 90245

CEQA Consultant

T&B Planning, Inc.
3200 El Camino Real, Suite 100
Irvine, CA 92602

Lead Agency Discretionary Permits

General Plan Amendment (PEN20-0118)
Change of Zone (PEN20-0119)
Tentative Parcel Map No. 37944 (PEN20-0120)
Plot Plan (PEN20-0121 & PEN20-0124)

July 2021

Impact	Mitigation Measure (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance
Biological Resources					
<p>Thresholds a & d: There is potential for the Project to impact special-status wildlife species, including protected nesting and migratory birds.</p>	<p>MM BR-1: Within 30 days prior to grading, a qualified biologist shall conduct a survey of suitable habitat on site and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the City of Moreno Valley prior to the issuance of a grading permit and subject to the following provisions:</p> <p>a) In the event that the pre-construction survey identifies no burrowing owls on the property a grading permit may be issued without restriction.</p> <p>b) In the event that the pre-construction survey identifies the presence of at least one individual but less than three (3) mating pairs of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall passively or actively relocate any burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive</p>	<p>Project Biologist</p>	<p>City of Moreno Valley Planning Division and Building and Safety Division</p>	<p>Within 30 days prior to initiating vegetation clearing or ground disturbance</p>	<p>Less than significant with mitigation incorporated</p>

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	<p>relocation shall follow CDFW relocation protocol and shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species has fledged the site or been relocated prior to the issuance of a grading permit.</p> <p>c) In the event that the pre-construction survey identifies the presence of three (3) or more mating pairs of burrowing owl, the requirements of MSCHP Species-Specific Conservation Objectives 5 for the burrowing owl shall be followed. Objective 5 states that if the site (including adjacent areas) supports three (3) or more pairs of burrowing owls and supports greater than 35 acres of suitable habitat, at least 90 percent of the area with long-term conservation value and burrowing owl pairs will be conserved onsite until it is demonstrated that Objectives 1-4 have been met. A grading permit shall be issued, either:</p> <p>i) Upon approval and implementation of a property-specific Determination of Biologically Superior Preservation (DBESP) report for the burrowing owl by the CDFW; or</p>				

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	<p>ii) A determination by the biologist that the site is part of an area supporting less than 35 acres of suitable Habitat, and upon passive or active relocation of the species following accepted CDFW protocols. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow CDFW relocation protocol and shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species has fledged the site or been relocated prior to the issuance of a grading permit.</p> <p>MM BR-2: All vegetation clearing and ground disturbance shall be prohibited during the bird nesting season (February 1 through September 15), unless a nesting bird survey is completed in accordance with the following requirements:</p> <p>a) A bird nesting survey of the Project Site, including suitable habitat within a 100-foot radius, shall be conducted by a qualified biologist</p>	<p>Project Biologist</p>	<p>City of Moreno Valley Planning Division and Building and Safety Division</p>	<p>Within 5 days prior to initiating vegetation clearing or ground disturbance that occurs between February 1 and September 15</p>	

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	<p>within five (5) days prior to initiating vegetation clearing or ground disturbance at the respective property. A copy of the nesting bird survey results report shall be provided to the City of Moreno Valley.</p> <p>b) If the survey does not identify the presence of any active nests, then construction activities can proceed without restriction.</p> <p>c) If the survey identifies the presence of active nests, then the qualified biologist shall provide the City with a copy of maps showing the location of all nests and a species-appropriate buffer zone around each nest sufficient to protect the nest from substantial adverse direct and/or indirect impacts. The size and location of all buffer zones, if required, shall be subject to review and approval by the City but shall be no less than a 100-foot radius around the nest for non-raptor species and no more than a 500-foot radius around the nest for raptor species and any endangered, threatened, or candidate species.</p> <p>i) The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing. No construction vehicles</p>				

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	<p>shall be permitted within restricted areas (i.e., bird protection zones), unless directly related to the management or protection of the legally protected species, until after the nest becomes inactive (or the nest has failed), the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by the activities.</p> <p>ii) In the event that a nest is abandoned despite efforts to minimize disturbance and, if the nestlings are still alive, the Project Applicant/Developer shall contact the California Department of Fish and Wildlife (CDFW) and, subject to CDFW approval, fund the recovery and hacking (controlled release of captive reared young) of the nestling(s).</p>				
<p>Thresholds b and c: The Project site contains wetland habitat that meets the definition of riparian/riverine habitat and sensitive natural community; these on-site habitats would be removed by the Project.</p>	<p>MM BR-3: Prior to the issuance of grading permits, the Project Applicant shall obtain all applicable permits for impacts to jurisdictional features, which may include a 1602 Streambed Alteration Agreement from CDFW and a 401 Certification issued by the RWQCB pursuant to the California Water Code Section 13260. In addition, the Project Applicant shall purchase a minimum of 0.81-acre of re-establishment credits (a 1:1 mitigation-to-impact</p>	<p>Project Applicant</p>	<p>City of Moreno Valley Planning Division and Building and Safety Division</p>	<p>Prior to issuance of grading permits.</p>	<p>Less than significant with mitigation incorporated</p>

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	ratio for impacts to wetland meadow habitat) and 0.82-acre of rehabilitation credits (a 2:1 mitigation-to-impact ratio for impacts to black willow riparian woodland and disturbed wetland-cattail habitats). Habitat mitigation credits can be purchased either at an approved Habitat Mitigation Bank (e.g., Riverpark Mitigation Bank) or via an In-Lieu Fee Program (e.g., Riverside-Corona Resource Conservation District and the Southwest Resource Management Association Santa Ana River Watershed In-Lieu Fee Program). Approval to purchase the mitigation credits must be granted in advance by the resource agencies. The Project Applicant shall provide evidence to the City of Moreno Valley that the applicable permits have been obtained and that the required habitat mitigation credits have been purchased prior to issuance of grading permits.				
Threshold f: The Project would result in the removal of MSCHP riparian habitat and suitable habitat for the burrowing owl from the Project site.	See MMs BR-1 through BR-3	See MMs BR-1 through BR-3	See MMs BR-1 through BR-3	See MMs BR-1 through BR-3	Less than significant with mitigation incorporated
Geology and Soils					
Threshold f: There is potential for Project-related grading activities	MM GEO-1: Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to	Project Applicant; Project	City of Moreno Valley Planning Division	Prior to the issuance of a grading permit	Less than significant with

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<p>to uncover and impact paleontological resources.</p>	<p>the City of Moreno Valley that a qualified paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.</p> <p>MM GEO-2: The paleontological monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, very old alluvial fan sediments at depths exceeding five feet below the existing ground surface and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontological monitor shall be empowered to temporarily halt or divert equipment to allow of removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified paleontological personnel to have a low potential to contain or yield fossil resources.</p>	<p>Construction Contractor; Project Paleontologist</p> <p>Project Applicant; Project Construction Contractor; Project Paleontologist</p>	<p>City of Moreno Valley Planning Division</p>	<p>Concurrent with grading activities</p>	<p>mitigation incorporated</p>

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	<p>MM GEO-3: Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage, such as the Western Science Museum in Hemet, California, is required for significant discoveries.</p> <p>MM GEO-4: A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Moreno Valley prior to building final.</p>	<p>Project Applicant; Project Construction Contractor; Project Paleontologist</p> <p>Project Applicant; Project Construction Contractor; Project Paleontologist</p>	<p>City of Moreno Valley Planning Division</p> <p>City of Moreno Valley Planning Division</p>	<p>Prior to grading permit final inspection</p> <p>Prior to building final</p>	
Tribal Cultural Resources					
<p>Threshold b: There is potential for significant tribal cultural resources to be unearthed during Project construction activities.</p>	<p>MM TCR-1: Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist to conduct monitoring of all mass grading and trenching activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during</p>	<p>Project Developer; Project Archaeologist</p>	<p>City of Moreno Valley Planning Division and Building and Safety Division</p>	<p>Prior to the issuance of a grading permit</p>	<p>Less than significant with mitigation incorporated</p>

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	<p>Project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a Cultural Resources Management Plan (CRMP) in consultation pursuant to the definition in AB52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:</p> <p>a) Project grading and development scheduling;</p> <p>b. The Project archeologist and the Consulting Tribes(s) as defined in MM TCR-1 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 Training will include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during</p>				

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	<p>earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. All new construction personnel that will conduct earthwork or grading activities that begin work on the Project following the initial Training must take the Cultural Sensitivity Training prior to beginning work and the Project archaeologist and Consulting Tribe(s) shall make themselves available to provide the training on an as-needed basis;</p> <p>c. 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.</p> <p>MM TCR-2: Prior to the issuance of a grading permit, the Developer shall secure agreements with the Pechanga Band of Luiseño Indians and Soboba Band of Luiseño Indians for tribal monitoring. The Developer is also required to provide a minimum of 30 days advance notice</p>	<p>Project Developer; Project Archaeologist</p>	<p>City of Moreno Valley Planning Division and Building and Safety Division</p>	<p>Prior to the issuance of a grading permit</p>	

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	<p>to the tribes of all mass grading and trenching activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. If the Native American Tribal Representatives suspect that an archaeological resource may have been unearthed, the Project Archaeologist or the Tribal Representatives shall immediately redirect grading operations in a 100-foot radius around the find to allow identification and evaluation of the suspected resource. In consultation with the Native American Tribal Representatives, the Project Archaeologist shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2.</p> <p>MM TCR-3: In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <p>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</p>	<p>Project Developer; Project Archaeologist</p>	<p>City of Moreno Valley Planning Division and Building and Safety Division</p>	<p>In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries)</p>	

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	<p>the City of Moreno Valley Planning Division:</p> <p>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.</p> <p>ii. Onsite 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-1.</p> <p>MM TCR-4: The City shall verify that the following note is included on the Grading Plan:</p> <p>“If any suspected archaeological resources are discovered during ground –disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and</p>	<p>Project Developer; Project Archaeologist</p>	<p>City of Moreno Valley Planning Division and Building and Safety Division</p>	<p>Prior to the issuance of a grading permit</p>	

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	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).		Building and Safety Division		