

AGENDA

JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
BOARD OF LIBRARY TRUSTEES
MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION
(MVPFFC)

MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA)
MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

January 27, 2015

SPECIAL PRESENTATIONS – 5:30 P.M. REGULAR MEETING – 6:00 P.M.

City Council Study Sessions

First & Third Tuesdays of each month – 6:00 p.m.

City Council Meetings

Second & Fourth Tuesdays of each month – 6:00 p.m.

City Council Closed Session

Immediately following Regular City Council Meetings and Study Session, unless no Closed Session Items are Scheduled

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mark Sambito, ADA Coordinator at 951.413.3120 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Jesse L. Molina, Mayor

Dr. Yxstian A. Gutierrez, Mayor Pro Tem Jeffrey J. Giba, Council Member George E. Price, Council Member D. LaDonna Jempson, Council Member

AGENDA CITY COUNCIL OF THE CITY OF MORENO VALLEY January 27, 2015

CALL TO ORDER - 5:30 PM

SPECIAL PRESENTATIONS

- 1. Val Verde Unified School District (VVUSD) and Moreno Valley Unified School District (MVUSD) Presentation Recognizing the Dedication of Lasselle Sports Park
- 2. Officer David Saludes, Officer of the 3rd Quarter, 2014
- 3. Employee of the Quarter, 3rd Quarter 2014 Michael Lloyd, Senior Engineer, P.E.
- 4. Proclamation Recognizing the 5-Year Anniversary of the Employment Resource Center
- 5. Proclamation Recognizing National Mentoring Month

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JOINT MEETING OF THE
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(MVPFFC)
MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA)
MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD MEETINGS

REGULAR MEETING - 6:00 PM JANUARY 27, 2015

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency, Housing Authority and Board of Library Trustees- actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION

Pastor Theodore Payne, IV - Quinn A.M.E. Church

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

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

Those wishing to speak should complete and submit a BLUE speaker slip to the

Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, City as Successor Agency for the Redevelopment Agency, Housing Authority or Board of Library Trustees, requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

- A.1 ORDINANCES READING BY TITLE ONLY **Recommendation:** Waive reading of all Ordinances.
- A.2 MINUTES SPECIAL CEREMONIAL MEETING OF JANUARY 6, 2015 (Report of: City Clerk's Department)

Recommendation:

- Approve as submitted.
- A.3 MINUTES SPECIAL CITY COUNCIL MEETING OF JANUARY 6, 2015 (Report of: City Clerk's Department)

Recommendation:

- 1. Approve as submitted.
- A.4 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation:

- 1. Receive and file the Reports on Reimbursable Activities for the period of December 31, 2014 January 20, 2015.
- A.5 AUTHORIZATION TO AWARD AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES TO ALBERT A. WEBB ASSOCIATES FOR THE EDGEMONT WATER SYSTEM PRELIMINARY DESIGN (Report of: Public Works Department)

Recommendations

1. Approve the Agreement for Professional Consultant Services with

- Albert A. Webb Associates (Webb), for the Edgemont Water System Preliminary Design project.
- 2. Authorize the City Manager to execute the Agreement for Professional Consultant Services with Webb.
- 3. Authorize the issuance of a Purchase Order to Webb in the amount of \$430,000.00 when the Agreement has been signed by all parties.
- 4. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Agreement for Professional Consultant Services with Webb, not to exceed the Purchase Order amount, subject to the approval of the City Attorney.
- A.6 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT TO KEYSTONE BUILDERS, INC. FOR THE CORPORATE YARD FACILITY PHASE 1 ADMINISTRATION BUILDING PROJECT PROJECT NO. 803 0002 70 77 (Report of: Public Works Department)

Recommendations

- 1. Waive any and all minor irregularities and award the construction contract to Keystone Builders, Inc., 1026 S. Santa Fe Avenue Los Angeles, the lowest responsible bidder, for the Corporate Yard Facility Phase 1 Administration Building project.
- 2. Authorize the City Manager to execute a contract with Keystone Builders, Inc.
- 3. Authorize the issuance of a Purchase Order to Keystone Builders, Inc., for the amount of \$3,284,287.60 (\$2,985,716.00 bid amount plus 10% contingency) when the contract has been signed by all parties.
- 4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with Keystone Builders, Inc. up to, but not exceeding, the 10% contingency amount of \$298,571.60, subject to the approval of the City Attorney.
- 5. Authorize the appropriation of additional \$500,000 from the Corporate Yard DIF Revenue Fund (Fund 2910) and \$300,000 from the Facility Construction Expenditure Fund balance (Fund 3000).
- 6. Authorize the issuance of a Purchase Order to G/M Business Interiors, for the amount of \$191,531.01 (\$182,410.49 plus 5% contingency) for interior furniture.

A.7 ACCEPTANCE OF THE CALIFORNIA ENERGY COMMISSION (CEC) GRANT PON-13-606 FOR ELECTRIC VEHICLE (EV) CHARGING INFRASTRUCTURE ALTERNATIVE AND RENEWABLE FUEL AND VEHICLE TECHNOLOGY PROGRAM (Report of: Public Works Department)

Recommendations

- Accept the City of Moreno Valley's share of the grant awarded by the California Energy Commission (CEC) to the Southern California Public Power Authority (SCPPA) for the Electric Vehicle Charging Infrastructure Alternative and Renewable Fuel and Vehicle Technology Program.
- 2. Authorize a revenue appropriation of \$50,000 in Fund 6010 for electric vehicle charging infrastructure.
- 3. Authorize a budget appropriation of \$50,000 for electric vehicle charging infrastructure.
- A.8 APPROVE THE UPDATED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MORENO VALLEY AND THE MORENO VALLEY MANAGEMENT ASSOCIATION (Report of: Administrative Services Department)

Recommendations

- 1. Approve the Memorandum of Understanding (MOU) between the City of Moreno Valley and the Moreno Valley Management Association (MVMA) which includes language establishing an "agency shop" agreement but leaves all previously agreed upon terms, conditions and language intact.
- 2. Authorize the City Manager to sign the agreement.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

- B.1 ORDINANCES READING BY TITLE ONLY **Recommendation:** Waive reading of all Ordinances.
- B.2 MINUTES SPECIAL CEREMONIAL MEETING OF JANUARY 6, 2015 (Report of: City Clerk's Department)

Recommendation:

- Approve as submitted.
- B.3 MINUTES SPECIAL CITY COUNCIL MEETING OF JANUARY 6, 2015

(Report of: City Clerk's Department)

Recommendation:

- Approve as submitted.
- B.4 CERTIFICATION OF SPECIAL ELECTION RESULTS FOR COMMUNITY FACILITIES DISTRICT NO. 1 (PARK MAINTENANCE)—ANNEXATION NO. 2015-33

(Report of: Financial & Management Services Department)

Recommendation:

 That the legislative body of Community Facilities District No. 1 (Park Maintenance) approve and adopt Resolution No. CSD 2015-02. A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Results of an Election and Adding Property to Community Facilities District No. 1 (Park Maintenance) for Annexation No. 2015-33.

C. CONSENT CALENDAR - HOUSING AUTHORITY

- C.1 ORDINANCES READING BY TITLE ONLY **Recommendation:** Waive reading of all Ordinances.
- C.2 MINUTES SPECIAL CEREMONIAL MEETING OF JANUARY 6, 2015 (Report of: City Clerk's Department)

Recommendation:

- Approve as submitted.
- C.3 MINUTES SPECIAL CITY COUNCIL MEETING OF JANUARY 6, 2015 (Report of: City Clerk's Department)

Recommendation:

1. Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D.1 ORDINANCES READING BY TITLE ONLY Recommendation: Waive reading of all Ordinances.
- D.3 MINUTES SPECIAL CITY COUNCIL MEETING OF JANUARY 6, 2015 (Report of: City Clerk's Department)

Recommendation:

1. Approve as submitted.

ADJOURNMENT OF THE CITY COUNCIL MEETING TO ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS ON ANY SUBJECT UNDER THE JURISDICTION OF THE CORPORATION

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

SPECIAL ORDER OF BUSINESS

1 There are no reports or issues before the Corporation.

ADJOURNMENT OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC) TO ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY(MVPFA)

ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA)

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS ON ANY SUBJECT UNDER THE JURISDICTION OF THE AUTHORITY

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

SPECIAL ORDER OF BUSINESS

A. CONSENT CALENDAR

1 MINUTES - SPECIAL MEETING OF OCTOBER 28, 2014 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

ADJOURNMENT OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA)TO ANNUAL/REGULAR MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

ANNUAL/REGULAR MEETING OF THE MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS ON ANY SUBJECT UNDER THE JURISDICTION OF THE AUTHORITY

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

SPECIAL ORDER OF BUSINESS

1 There are no reports or issues before the Authority.

ADJOURNMENT OF THE ANNUAL/REGULAR MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)TO THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY AND THE HOUSING AUTHORITY

RECONVENE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY AND THE HOUSING AUTHORITY

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip AGENDA

January 27, 2015

to the Bailiff.

E.1 PUBLIC HEARING FOR THE FUTURE ANNEXATION OF TERRITORY TO CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) AND TO AMEND AND RESTATE THE RATE AND METHOD OF APPORTIONMENT FOR THE DISTRICT TO DESIGNATE TAX RATE AREAS NO. LM-02 AND SL-02 AND REVISE THE RATE STRUCTURE FOR TAX RATE AREA NO. LM-01 (Report of: Financial & Management Services Department)

Recommendations That the City Council:

- Conduct the Public Hearing regarding the proposed future annexation of territory to City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) as shown on Annexation Map No. 2 to that District.
- Introduce Ordinance No. 889. An Ordinance of the City Council of the City of Moreno Valley, California, Providing for Future Annexation of Territory to City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and to Amend and Restate the Rate and Method of Apportionment for the District to Designate Tax Rate Areas No. LM-02 and SL-02 and Revise the Rate Structure for Tax Rate Area No. LM-01.
- E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS TO APPROVE THE NPDES MAXIMUM RESIDENTIAL REGULATORY RATE FOR CV COMMUNITIES AND THE NPDES MAXIMUM COMMERCIAL REGULATORY RATE FOR PSIP INTEGRA MORENO VALLEY, LLC AND WOODHAVEN DEVELOPERS, INC. DEVELOPMENTS (Report of: Financial & Management Services Department)

Recommendations That the City Council:

- Conduct the Public Hearing and accept public testimony regarding the mail ballot proceedings for certain properties owned by CV Communities, PSIP Integra Moreno Valley, LLC, and Woodhaven Developers, Inc. for approval of the applicable NPDES rate to be applied to the property tax bills.
- 2. Direct the City Clerk to tabulate the returned NPDES ballots.
- 3. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet.
- 4. Receive and file the Official Tally Sheet with the City Clerk's office.
- 5. If approved, authorize and impose the applicable NPDES maximum

regulatory rate to APNs 478-090-007, 478-090-036, 478-100-009, 478-100-010, 478-100-034, 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, 297-140-042, and 292-100-010.

E.3 A PUBLIC HEARING FOR AN APPEAL OF THE PLANNING COMMISSION ACTION OF DECEMBER 11, 2014, APPROVING CONDITIONAL USE PERMIT (PA14-0014), TENTATIVE TRACT MAP 36708 (PA14-0015) AND THE SUPPORTING MITIGATED NEGATIVE DECLARATION FOR A 122 UNIT PLANNED UNIT DEVELOPMENT (PUD) ON 15.92 ACRES AT THE SOUTHWEST CORNER OF PERRIS BOULEVARD AND CACTUS AVENUE.

(Report of: Community & Economic Development Department)

Recommendations That the City Council:

 Approve Resolution No. 2015-02. A Resolution of the City Council of the City of Moreno Valley, California, Denying the Appeal and Sustaining the Decision of the Planning Commission to Approve Conditional Use Permit (PA14-0014), Tentative Tract Map 36708 (PA14-0015), and the Supporting Mitigated Negative Declaration for a 122 Unit Planned Unit Development (PUD) on 15.92 Acres at the Southwest Corner of Perris Boulevard and Cactus Avenue (Assessor Parcel Numbers 482-582-038, 039, 040 & 482-230-024).

OR

- 2. Approve Resolution No. 2015-03. A Resolution of the City Council of the City of Moreno Valley, California, Approving the Appeal and Overruling the Decision of the Planning Commission to Approve Conditional Use Permit (PA14-0014), Tentative Tract Map 36708 (PA14-0015), and the Supporting Mitigated Negative Declaration for a 122 Unit Planned Unit Development (PUD) on 15.92 Acres at the Southwest Corner of Perris Boulevard and Cactus Avenue (Assessor Parcel Numbers 482-582-038, 039, 040 & 482-230-024).
- E.4 A PUBLIC HEARING FOR THE PROLOGIS EUCALYPTUS INDUSTRIAL PARK PROJECT AND RELATED ENVIRONMENTAL IMPACT REPORT. THE PROJECT PROPOSES A GENERAL PLAN AMENDMENT FOR APPROXIMATELY 33 ACRES AND A ZONE CHANGE FOR APPROXIMATELY 84 ACRES. THE LAND USE CHANGES ARE REQUIRED FOR DEVELOPMENT OF **FOUR WAREHOUSE** DISTRIBUTION BUILDINGS TOTALING 1,529,498 SQUARE FEET. THE DEVELOPER ALSO PROPOSES TENTATIVE PARCEL MAP NO. 35679 TO SUBDIVIDE THE PROJECT SITE INTO FIVE PARCELS. A GENERAL PLAN AMENDMENT IS ALSO REQUIRED FOR PROPOSED CHANGES TO THE CITY'S GENERAL PLAN CIRCULATION ELEMENT AND THE MASTER PLAN OF TRAILS. THE SITE IS LOCATED SOUTH OF STATE

ROUTE 60 AND EAST OF THE MORENO VALLEY AUTO MALL, AT FIR AVENUE (FUTURE EUCALYPTUS AVENUE) AND BETWEEN PETTIT STREET AND THE QUINCY CHANNEL. THE APPLICANT IS PROLOGIS (Report of: Community & Economic Development Department)

Recommendations That the City Council:

- 1. Conduct a public hearing for Prologis Eucalyptus Industrial Park Project:
- Approve Resolution No. 2015-04. A Resolution of the City Council of the City of Moreno Valley, California, Certifying the Final Environmental Impact Report (P07-186) and Adopting the Findings and Statement of Overriding Considerations and Approving the Mitigation Monitoring Program for the Prologis Eucalyptus Industrial Park Project.
- Approve Resolution No. 2015-05. A Resolution of the City Council of the City of Moreno Valley, California, Approving a General Plan Amendment (PA07-0082) from the R15 Land Use Designation to Business Park for Approximately 33 Acres for Development of a 1,529,498 Square Foot Industrial Park located within Assessor's Parcel Numbers 488-330-011, 488-330-022, 488-330-023, 488-330-024 and 488-330-032.
- 4. Introduce Ordinance No. 883. An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Zone Change (PA07-0081) from Business Park, Business Park Mixed-Use, and R15 to Light Industrial for Approximately 84 Acres for Development of a 1,529,498 Square Foot Industrial Park located within Assessor's Parcel Numbers 488-330-011, 488-330-022, 488-330-023, 488-330-024 and 488-330-032.
- Approve Resolution No. 2015-06. A Resolution of the City Council of the City of Moreno Valley, California, Approving Master Plot Plan Application PA07-0083 and Plot Plan Applications PA07-0158, PA07-0159, and PA07-0160 for Development of the 1,529,498 Square Foot Prologis Eucalyptus Industrial Park Project within the 84 Acres of Assessor's Parcel Numbers 488-330-011, 488-330-022, 488-330-023, 488-330-024 and 488-330-032.
- Approve Resolution No. 2015-07. A Resolution of the City Council of the City of Moreno Valley, California, Approving Tentative Parcel Map 35679 (PA07-0084) for Development of the 1,529,498 Square Foot Prologis Eucalyptus Industrial Park Project within the 84 Acres of Assessor's Parcel Numbers 488-330-011, 488-330-022, 488-330-023, 488-330-024 and 488-330-032.

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

G. REPORTS

- G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation not for Council action)
 - G.1.1 Council Member George Price report on League of California Cities (LCC) Community Policy Committee
- G.2 CITY MANAGER'S REPORT (Informational Oral Presentation not for Council action)
- G.3 CITY ATTORNEY'S REPORT (Informational Oral Presentation not for Council action)

H. LEGISLATIVE ACTIONS

- H.1 ORDINANCES 1ST READING AND INTRODUCTION NONE
- H.2 ORDINANCES 2ND READING AND ADOPTION NONE
- H.3 ORDINANCES URGENCY ORDINANCES NONE
- H.4 RESOLUTIONS NONE

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OR HOUSING AUTHORITY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/City as Successor Agency for the Community Redevelopment Agency/Housing Authority or Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

A Closed Session of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency and Housing Authority will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9

Number of Cases: 5

2 SECTION 54956.9(d)(4) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

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

ADJOURNMENT

CERTIFICATION: I, Jane Halstead, City Clerk of the City of Moreno Valley, California, certify that the City Council Agenda was posted in the following places pursuant to City of Moreno Valley Resolution No. 2007-40:

City Hall, City of Moreno Valley 14177 Frederick Street

Moreno Valley Library 25480 Alessandro Boulevard

Moreno Valley Senior/Community Center 25075 Fir Avenue

Jane Halstead, CMC, City Clerk Dated Posted: January 21, 2015 This page intentionally left blank.

MINUTES

MORENO VALLEY CITY COUNCIL MORENO VALLEY COMMUNITY SERVICES DISTRICT CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY MORENO VALLEY HOUSING AUTHORITY

SPECIAL CEREMONIAL MEETING – 6:00 PM January 6, 2015

INVOCATION - Michael T. Mupfawa, Imani Praise Fellowship Church

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Police Chief Joel Ontiveros.

NATIONAL ANTHEM - Moreno Valley Master Chorale

CALL TO ORDER

The Special Ceremonial Swearing-In Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, and Moreno Valley Housing Authority was called to order at 6:03 p.m. by Mayor Jesse L. Molina in the Council Chamber located at 14177 Frederick Street.

ROLL CALL

Council:

Jesse L. Molina Mayor

Jeffrey J. Giba
George E. Price
Council Member
Council Member
Council Member
Council Member
Council Member
Council Member

Staff:

Michelle Dawson City Manager
Suzanne Bryant City Attorney
Jane Halstead City Clerk

Tom DeSantis Assistant City Manager

Abdul Ahmad Fire Chief

Ahmad Ansari Public Works Director

Joel Ontiveros Police Chief

Chris Paxton Administrative Services Director
Richard Teichert Chief Financial Officer/City Treasurer

Allen Brock Interim Community and Economic Development Dir.

Betsy Adams Ewa Lopez

Parks & Community Services Director

Deputy City Clerk

PUBLIC COMMENTS ON MATTERS ON THE SPECIAL MEETING AGENDA

Mayor Jesse L. Molina opened the agenda items for public comments, which were received from Tom Jerele Sr.

SPECIAL ORDER OF BUSINESS

1 Ceremonial Swearing-In and Seating of the Mayor and Mayor Pro Tem - Jane Halstead, City Clerk

City Clerk Jane Halstead conducted swearing-in ceremony for the appointed Mayor Jesse L. Molina, who was accompanied by his wife Lidia Molina.

The City Clerk Jane Halstead conducted the swearing-in ceremony for the newly appointed Mayor Pro Tem Dr. Yxstian A. Gutierrez, who was accompanied by his parents Elizabeth Gonzalez and Edgard Gutierrez, and his aunt Gladys Ascanio.

2 Remarks

Mayor Jesse L. Molina Mayor Pro Tem Yxstian A. Gutierrez

ADJOURN TO RECEPTION - Sponsored by the Moreno Valley Chamber of Commerce and catered by Steer 'N Stein

There being no further business to conduct, the meeting was adjourned at 6:22 p.m. to reception by <u>unanimous informal consent.</u>

Submitted by:

Jane Halstead, City Clerk, CMC

Secretary, Moreno Valley Community Services District

Secretary, City as Successor Agency for the Community Redevelopment Agency of

the City of Moreno Valley

Secretary, Moreno Valley Housing Authority

Approved by:		

Jesse L. Molina, Mayor
President, Moreno Valley Community Services District
Chairperson, City as Successor Agency for the Community Redevelopment Agency
of the City of Moreno Valley
Chairperson, Moreno Valley Housing Authority

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MINUTES SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY

MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
BOARD OF LIBRARY TRUSTEES

SPECIAL MEETING – 7:00 PM January 6, 2015

CALL TO ORDER

The Special Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, Moreno Valley Housing Authority and the Board of Library Trustees was called to order at 7:02 p.m. by Mayor Jesse L. Molina in the Council Chamber located at 14177 Frederick Street.

Mayor Jesse L. Molina announced that the City Council receives a separate stipend for CSD meetings.

PLEDGE OF ALLEGIANCE - Pledge of Allegiance was led by Mayor Jesse L. Molina.

INVOCATION

Pastor Michael T. Mupfawa - Imani Praise Fellowship and Moreno Valley Seventh-day Adventist Church

ROLL CALL

Council:

Jesse L. Molina Mayor

Dr. Yxstian A. Gutierrez
George E. Price
D. LaDonna Jempson
Jeffrey J. Giba
Mayor Pro Tem
Council Member
Council Member

Staff:

Michelle Dawson City Manager Suzanne Bryant City Attorney Jane Halstead City Clerk Ewa Lopez Deputy City Clerk

Richard Teichert Chief Financial Officer/City Treasurer

Joel Ontiveros Police Chief Abdul Ahmad Fire Chief

Ahmad Ansari Public Works Director Tom DeSantis Assistant City Manager

Chris Paxton Administrative Services Director
Betsy Adams Parks & Community Services Director

Allen Brock Interim Community and Economic Development Director

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

Alicia Espinoza

1. Logistics Center, Highlight Fairview Corporate Park

Scott Heveran

- 1. Logistic Center
- 2. Ethics committee
- 3. Renewable energy

Chef Basil Kimbrew

- 1. Thanked Council Members Jempson and Price, Mayor and residents for helping serving Christmas dinner to homeless veterans
- 2. Veterans commission

Porfirio Siordia Jr.

1. Working together

Kenny Bailey

1. Jobs/unemployment in Moreno Valley

Manuel

1. Jobs in Moreno Valley

Amelia Gomez

1. Jobs in Moreno Valley

Erick Romero

1. World Logistic Center

Pastor James Owens (New Beginnings Fellowship)

1. Working together to change Moreno Valley

Elizabeth

1. World Logistic Center

Steve Healton

1. World Logistic Center

Darline Bailey

1. World Logistic Center

Ana Cervantes

1. Positive change

Robert Perez (Box Springs Mutual Water Company, Edgemont)

- 1. Exploration of development
- 2. Warehousing

Amelia Ruiz

1. Projects bringing jobs

Marcela Quintero

1. Jobs

Mary R.

1. Jobs

Louise Palomarez

1. Jobs

Tom Jerele

- 1. Mail box thefts
- 2. Jobs

Debra Craig

1. Unity

<u>Jeffrey Clayton Sr.(representing Moreno Valley Progress)</u>

- 1. Warehousing jobs
- 2. Public safety

JOINT CONSENT CALENDARS (SECTIONS A-D)

City Clerk Jane Halstead announced that staff is requesting Item A.6 be pulled and moved to the January 27 Council meeting (due to some modifications to agreement).

Mayor Jesse L. Molina opened the agenda items for the Consent Calendars for public comments; there being none, public comments were closed.

A. CONSENT CALENDAR-CITY COUNCIL

- A.1 ORDINANCES READING BY TITLE ONLY **Recommendation:** Waive reading of all Ordinances.
- A.2 MINUTES REGULAR MEETING OF DECEMBER 9, 2014 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of November 12 – December 30, 2014.

A.4 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT TO MARTINEZ CONCRETE, INC., FOR CYCLE 5 AMERICANS WITH DISABILITIES ACT ACCESS RAMP IMPROVEMENTS AT VARIOUS LOCATIONS

PROJECT NO. 801 0058

(Report of: Public Works Department)

Recommendations

- Award the construction contract to Martinez Concrete, Inc., 920
 W. Foothill Blvd., Azuza, CA 91702, the lowest responsible bidder, for the Cycle 5 ADA Access Ramp Improvements at Various Locations Project.
- 2. Authorize the City Manager to execute a contract with Martinez Concrete, Inc.
- 3. Authorize the issuance of a Purchase Order to Martinez Concrete, Inc., for the amount of \$220,061.88 (\$200,056.25 bid amount plus 10% contingency) when the contract has been signed by all parties.
- 4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with Martinez Concrete, Inc. up to, but not exceeding, the 10% contingency amount of \$20,005.63, subject to the approval of the City Attorney.

A.5 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT TO F S CONSTRUCTION FOR CYCLE 3 PEDESTRIAN ACCESS RAMPS ENHANCEMENTS AND FOR CYCLE 4 PEDESTRIAN AND BICYCLE ENHANCEMENTS PROJECTS

(Report of: Public Works Department)

Recommendations

- 1. Award the construction contract to F S Construction, 14838 Bledsoe Street, Sylmar, CA 91342, the lowest responsible bidder for the Cycle 3 Pedestrian Access Ramps Enhancements and the Cycle 4 Pedestrian and Bicycle Enhancements Projects.
- 2. Authorize the City Manager to execute a contract with F S Construction.
- 3. Authorize the issuance of a Purchase Order to F S Construction in the amount of \$598,635.40 (\$544,214.00 bid amount plus 10% contingency) when the contract has been signed by all parties.
- 4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with F S Construction up to, but not exceeding, the 10% contingency amount of \$54,421.40, subject to the approval of the City Attorney.
- A.6 APPROVAL OF POWER PURCHASE AGREEMENT BETWEEN WHITNEY POINT SOLAR, LLC (AS SELLER) AND POWER AND WATER RESOURCES POOLING AUTHORITY (PWRPA), PITTSBURG POWER COMPANY, EASTSIDE POWER AUTHORITY, AND THE CITY OF MORENO VALLEY (TOGETHER, AS BUYERS) (Report of: Public Works Department)

Recommendations

- 1. Approve the Power Purchase Agreement between Whitney Point Solar, LLC (as Seller) and Power and Water Resources Pooling Authority (PWRPA), Pittsburg Power Company, Eastside Power Authority, and the City of Moreno Valley (as Buyers).
- 2. Authorize the City Manager to execute the Power Purchase Agreement.
- A.7 COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2014

(Report of: Financial & Management Services Department)

Recommendation:

The Finance Sub-Committee reviewed and recommends the receipt and filing of the Comprehensive Annual Financial Report for the fiscal year that ended June 30, 2014.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

- B.1 ORDINANCES READING BY TITLE ONLY Recommendation: Waive reading of all Ordinances.
- B.2 MINUTES REGULAR MEETING OF DECEMBER 9, 2014 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

B.3 ACCEPTANCE OF AMENDED GRANT CONTRACT FROM THE CALIFORNIA DEPARTMENT OF EDUCATION, CHILD DEVELOPMENT SERVICES, FOR CHILD CARE SERVICES AND ADOPTION OF THE RESOLUTION TO CERTIFY THE APPROVAL OF THE GOVERNING BOARD

(Report of: Parks & Community Services Department)

Recommendations

- 1. Authorize the acceptance of grant monies in the amended amount of \$593,054 for Fiscal Year (FY) 2014/2015 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services.
- Adopt Resolution No. CSD 2015-01. A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Approval of the Governing Board to Enter into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize the Designated Personnel to Sign Contract Documents for FY 2014/2015.
- B.4 AUTHORIZE THE SUBMISSION OF APPLICATION FOR ADDITIONAL AFTER SCHOOL EDUCATION AND SAFETY GRANT FUNDS FOR FISCAL YEAR 2015/2016

(Report of: Parks & Community Services Department)

Recommendation:

Authorize the City Manager to submit an application to the California Department of Education for Additional After School Education and Safety Grant funds (ASES) for FY 2015/16.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C.1 ORDINANCES READING BY TITLE ONLY

 Recommendation: Waive reading of all Ordinances.
- C.2 MINUTES REGULAR MEETING OF DECEMBER 9, 2014 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D.1 ORDINANCES READING BY TITLE ONLY Recommendation: Waive reading of all Ordinances.
- D.2 MINUTES REGULAR MEETING OF DECEMBER 9, 2014 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

Motion to Approve Joint Consent Calendar Items A.1 through D.2, with the exception of items A.2, B.2, C.2, D.2, which were pulled for separate action, and item A.6 continued to January 27, 2014. by m/Council Member Jeffrey J. Giba, s/Council Member George E. Price

Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING FOR GENERAL PLAN AMENDMENT PA13-0056 TO UPDATE THE BIKEWAY PLAN, ADOPT THE BICYCLE MASTER PLAN UPDATE, AND RENAME THE AQUEDUCT TRAIL AS THE JUAN BAUTISTA DE ANZA TRAIL

(Report of: Police Department)

Recommendations That the City Council:

1. Recognize that PA13-0056 is within the scope of the program Environmental Impact Report (EIR) approved in 2006 for the citywide Comprehensive General Plan Update in accordance

with CEQA Guidelines, Section 15168(c) (2) and 15168 (e) (1) and (2).

Adopt Resolution No. 2015-01. A Resolution of the City Council
of the City of Moreno Valley, California, Approving General Plan
Amendment PA13-0056 to Update the Bikeway Plan, Adopt the
Bicycle Master Plan Update, and Rename the Aqueduct Trail as
the Juan Bautista De Anza Trail, Based Upon the Findings in
the City Council Resolution.

Public Works Director Ahmad Ansari announced the following three corrections: Exhibit A, Bikeway Plan to the proposed resolution for the General Plan Amendment, should have been included in attachment 2, (which is the resolution), Power Point slide #2 was revised, and slide #6 was removed from the PowerPoint

Council Member Jeffrey Giba stated that he was involved with this issue while serving on the Planning Commission. The City Attorney Suzanne Bryant responded that the motion of the Planning Commission was to recommend moving this item to the City Council for approval.

Mayor Jesse L. Molina opened the public testimony portion of the public hearing. Public testimony was received from Lori Nickel and Tom Jerele Sr.

Recognize that PA13-0056 is within the scope of the program Environmental Impact Report (EIR) approved in 2006 for the citywide Comprehensive General Plan Update in accordance with CEQA Guidelines, Section 15168(c) (2) and 15168 (e) (1) and (2). by m/Mayor Pro Tem Dr. Yxstian A. Gutierrez, s/Council Member Jeffrey J. Giba

Approved by a vote of 5-0.

Adopt Resolution No. 2015-01 with correction. A Resolution of the City Council of the City of Moreno Valley, California, Approving General Plan Amendment PA13-0056 to Update the Bikeway Plan, Adopt the Bicycle Master Plan Update, and Rename the Aqueduct Trail as the Juan Bautista De Anza Trail, Based Upon the Findings in the City Council Resolution. by m/Council Member George E. Price, s/Council Member Jeffrey J. Giba

Approved by a vote of 5-0.

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

Motion to Approve Items A.2, B.2, C.2, and D.2 (December 9, 2014 Minutes) as amended: to add that acronyms will be noted as words by m/Council Member George E. Price, s/Mayor Pro Tem Jesse L. Molina

Approved by a vote of 5-0.

G. REPORTS

G.1 RECEIVE AND FILE AN UPDATE REPORT ON THE REALIGNMENT OF RECHE VISTA DRIVE PROJECT

(Report of: Public Works Department)

Recommendations

Receive and file an update report on the Realignment of Reche Vista Drive Project.

Mayor Jesse L. Molina opened the agenda item for public comments; there being none, public comments were closed.

No action required.

Recess;

Reconvened

G.2 2015 COUNCIL COMMITTEE PARTICIPATION APPOINTMENTS (Report of: City Clerk Department)

Recommendations That the City Council:

- 1. Appoint Council Member Jeffrey J. Giba to serve as the City of Moreno Valley's representative on the March Joint Powers Commission (MJPC).
- 2. Appoint Mayor Pro Tem Dr. Yxstian A. Gutierrez to serve as the City of Moreno Valley's representative on the March Joint Powers Commission (MJPC).
- 3. Appoint Mayor Jesse L. Molina to serve as the City of Moreno Valley's alternate representative on the March Joint Powers Commission (MJPC).
- 4. Appoint Council Member George E. Price to serve as the City of Moreno Valley's representative on the Riverside County Habitat Conservation Agency (RCHCA).
- 5. Appoint Council Member D. LaDonna Jempson to serve as the MINUTES January 6, 2015

- City of Moreno Valley's alternate representative on the Riverside County Habitat Conservation Agency (RCHCA).
- 6. Appoint Mayor Jesse L. Molina to serve as the City of Moreno Valley's representative on the Riverside County Transportation Commission (RCTC).
- 7. Appoint Council Member Jeffrey J. Giba to serve as the City of Moreno Valley's alternate representative on the Riverside County Transportation Commission (RCTC).
- 8. Appoint Mayor Jesse L. Molina to serve as the City of Moreno Valley's representative on the Riverside Transit Agency (RTA).
- Appoint Mayor Pro Tem Yxstian A. Gutierrez to serve as the City of Moreno Valley's alternate representative on the Riverside Transit Agency (RTA).
- 10. Appoint Council Member Jeffrey J. Giba to serve as the City of Moreno Valley's representative on the Western Riverside Council of Governments (WRCOG).
- 11. Appoint Mayor Jesse L. Molina to serve as the City of Moreno Valley's alternate representative on the Western Riverside Council of Governments (WRCOG).
- 12. Appoint Council Member D. LaDonna Jempson to serve as the City of Moreno Valley's representative on the Western Riverside County Regional Conservation Authority (RCA).
- 13. Appoint Council Member George E. Price serve as the City of Moreno Valley's alternate representative on the Western Riverside County Regional Conservation Authority (RCA).
- 14. Approve the appointments to the remaining various committees and regional bodies, as noted on the 2015 Council Committee Participation Mayor's Recommendations list.

Mayor Jesse L. Molina opened the agenda item for public comments, which were received from Jeffrey L. Clayton Sr., Roy Bleckert and Pete Bleckert.

Motion to approve Mayor's Recommendations Nos. 1 through 14.

by m/Mayor Pro Tem Dr. Yxstian A. Gutierrez, s/Council Member

Jeffrey J. Giba

Approved by a vote of 4-1, Council Member George E. Price opposed.

G.3 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

City Manager Michelle Dawson congratulated Sustainability and Intergovernmental Programs Manager Julie Reyes for receiving scholarship from the Keep America Beautiful organization. That scholarship will enable Julie to travel to Washington D.C. this month to attend Keep America Beautiful national conference, where she is going to be trained on enhancing litter abatement program, community outreach, and everything that will help keep Moreno Valley beautiful.

Thanked entire Parks & Community Services staff led by Betsy Adams for all great holiday events, including snow day. It was a huge success.

G.4 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)

The City Attorney Suzanne Bryant reported five cases from Closed Sessions:

In the case Paul Early v. the City (Riverside Superior Court Case No. RIC 1311889) the Council voted on September 23, 2014 3-0-1 (Molina, Baca and Price. Richard Stewart recused himself from that part of the Closed Session) to grant authority to settle. The City has settled with Early in the amount of \$200,000. Early has since dismissed his complaint.

On November 18, 2014, the Council in Closed Session voted 3-0-1 (Molina, Price and Stewart. Baca recused herself from Closed Session that night) to authorize settlement in order to indemnify Yxstian Gutierrez for attorneys' fees in the case People ex rel. Kimbrew, Reeder and Hiers v Yxstian Gutierrez Riverside Superior Court Case No RIC 1402956. The attorneys' fees for the relators settled at \$128,688.11 payable to Strumwasser and Woocher. Gutierrez has released the City from claims for indemnity regarding this issue.

The case Carolyn Daisy Garcia v. the City and Russell Hough, Riverside Superior Court Case No RIC 1408300 has settled for \$60,000. The Council voted 4-0 (Molina, Baca, Stewart and Price) on October 21, 2014 to grant authority to settle that case.

David Ray Dominguez sued the City in Riverside Superior Court Case RIC 1213377. The County fully provided the defense and indemnity for the City. On November 18, 2014, the Council voted 3-0-1 Stewart, Price and Molina voted for the Mayor to sign the settlement agreement and Baca recused herself. The County paid the settlement of \$37,500. The case

has been dismissed.

In the Case Silver Creek Industries v. City of Moreno Valley Riverside Superior Court Case No RIC 1306308 the City's cross-complaint has settled for \$5,000 payable to the City. The Council voted in Closed Session on October 21, 2014 4-0 (Molina, Baca, Stewart and Price) to settle for \$5,000. The cross-complaint has now been dismissed.

Council Member LaDonna Jempson asked for clarification if it was part of the settlement for Paul Early to get his job back. The City Attorney answered "No."

H. LEGISLATIVE ACTIONS

- H.1 ORDINANCES 1ST READING AND INTRODUCTION NONE
- H.2 ORDINANCES 2ND READING AND ADOPTION NONE
- H.3 ORDINANCES URGENCY ORDINANCES NONE
- H.4 RESOLUTIONS NONE

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OR HOUSING AUTHORITY

Council Member George E. Price

- 1. Requested to agendize discussion regarding reinstating veterans commission, seconded by Council Member Jeffrey J. Giba; said that it seems that there are many issues now that we didn't have in the past
- 2. In response to speakers' comments, stated that the council and he will listen to constituents and will vote what they want. Regarding logistic center, environmental impact report has not been released yet and the project has not been submitted for council action yet. Suggested that Emerging Leaders Council develop a workshop to educate young adults about development process, what it takes to get a project approved
- 2. Regarding jobs literally thousands of jobs were created in the last half of the year
- 3. Responded to comments regarding postings on his Web site
- 4. Is optimistic that he and the mayor can talk, get the issues resolved so we can do what is best for the community
- 5. Thanked Parks and Recreation for wonderful events; attended some of the events; suggested ideas for the next year
- 6. Attended Hispanic Chamber dinner at the Lake Perris, Cardinal holiday reception at the Base; holiday season was very busy with events and

activities

7. Wished a happy New Year; looks forward to do a lot of great things in Moreno Valley

Council Member Jeffrey J. Giba

- 1. Wished a happy New Year
- 2. Is honored to continue this New Year with some appointments and appreciates the opportunity to serve the City
- 3. Was not aware of veteran holiday dinner; was serving at Breakfast with Santa at that time; with a church group sang for the Assisted Living Facility at the Air Force Village; attended Hanukah lighting in Riverside it is a great tradition; suggested to bring it back to Moreno Valley; attended Building Industry Association Christmas dinner; attended District Attorney Michael Hestrin swearing-in ceremony together with Council Member Jempson; had a first Tea with Me (instead of Coffee with Me) at the II Sorrento Mobile Home Park
- 4. Young people are future in our City; Dr. Gutierrez is representing young community and is showing them what you can do to serve the community
- 5. Served on the Planning Commission for 3 years many issues in the City start with the Planning Commission, which makes referrals to the City Council; encouraged residents to attend these meetings, where the dialogue starts

Council Member D. LaDonna Jempson

- 1. Responded to speaker's comment regarding a need to meet with the School District to address the suspension issue; stated that we have several items that we need to discuss with the School District; asked for Council's support setting up a meeting with the School district, Mayor Pro Tem Dr. Gutierrez seconded
- 2. Stated that this Thursday has a meeting with a representative of Senator Feinstein's office; attended swearing-in of District Attorney Michael Hestrin told him that Moreno Valley residents deserves closure on the corruption investigation
- 3. On January 22, 6:30 p.m., will have her first of many town hall meetings; location is pending approval; encouraged District 5 and other residents to attend it
- 4. Stated that residents can call Waste Management to pick up one large item every week (or four large items at the same time by relinquishing the next three weeks); is educating residents in Edgemont area; trash in that area is not coming from Edgemont residents, as any people are dumping trash there; will work with staff to encourage the City of Riverside to help us clean up the area
- 5. Stated that she requested from staff a list of all businesses in District 5 and emailed businesses; emphasized the need to help current businesses to prosper; encouraged council members to do the same and to contact businesses in their districts; conducted exit interviews with couple of

leaving businesses and shared the information with staff

6. Is working as Human Resources Director and has 8 positions available in warehouse distribution in Riverside; encouraged to contact her at 951.710.1823

Mayor Pro Tem Dr. Yxstian A. Gutierrez

- 1. Thanked individuals who attended swearing-in ceremony; thanked youth, Basil Kimbrew and Roy Bleckert
- 2. On January 9, 2 p.m., mandatory meeting for CDBG will be held advised nonprofit organizations seeking funds from CDBG to attend this meeting
- 3. FootGolf grand opening will be held this month
- 4. Inquired about the MindMixer program; City Manager Michelle Dawson responded that staff confirmed today that City's version of MindMixer is ready and a presentation will be brought to February 10 Council meeting
- 5. Agreed with Council Member Jempson that we need to meet with the School District; inquired if we can change Tuesday City Council meetings to first and third week of the month so we can attend both school districts meetings and council meetings
- 6. Meet and Greet, a Mayor Pro Tem event, has been scheduled for January 29, 3-5 p.m. at City Hall; it will be a monthly walk-in event

Mayor Jesse L. Molina

- 1. Wished a happy New Year to everyone
- 2. Is glad his decisions are respected
- 3. Thanked public safety officials, Police and Fire Chiefs, who were very busy during holidays
- 4. Regarding the idea of changing council meeting dates it will conflict with study sessions, which are important; is open for discussion for any other alternative
- 5. Attended many events during holiday season: went to US Vet Center has been going there for almost 5 years; went to March JPA Base
- 6. This year is a new beginning, and we will start working together; will work with the School District and hopes for positive outcome

There being no further business to conduct, the meeting was adjourned at 9:59 p.m. by <u>unanimous informal consent.</u>

CLOSED SESSION

A Closed Session of the City Council, Community Services District, City as

Successor Agency for the Community Redevelopment Agency and Housing Authority was held in the City Manager's Conference Room, Second Floor, City Hall. The City Council met in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Mayor Jesse L. Molina opened the agenda items for public comments; there being none, public comments were closed.

The City Attorney announced that two cases listed on the Closed Session agenda under Item No. 1 will be discussed: Verizon case and Brady and Schneider case. The City Attorney doesn't anticipate any reportable action tonight.

The Closed Session was held pursuant to Government Code:

- 1 SECTION 54956.9(d)(1) CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
 - a Sipple V. City of Alameda et al
 - b Brady and Schneider V. City of Moreno Valley
 - c Verizon California Inc. V. California State Board of Equalization, et al.
- 2 SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9

Number of Cases: 5

3 SECTION 54956.9(d)(4) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY No reportable action

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:45 p.m. by <u>unanimous informal consent.</u>

Submitted by:

Jane Halstead, City Clerk, CMC

Secretary, Moreno Valley Community Services District

Secretary, City as Successor Agency for the Community Redevelopment Agency of

the City of Moreno Valley

Secretary, Moreno Valley Housing Authority

Secretary, Board of Library Trustees

Approved by:

Jesse L. Molina, Mayor

President, Moreno Valley Community Services District

Chairperson, City as Successor Agency for the Community Redevelopment Agency

of the City of Moreno Valley

Chairperson, Moreno Valley Housing Authority

Chairperson, Board of Library Trustees



Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: January 27, 2015

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Recommendation:

1. Receive and file the Reports on Reimbursable Activities for the period of December 31, 2014 – January 20, 2015.

Reports on Reimbursable Activities			
December 31, 2014 – January 20, 2015			
Council Member	Date	Meeting	Cost
Jeffrey J. Giba	1/12/15	League of California Cities Riverside Division	\$36.00
	1/13/15 1/16/15	League of California Cities 2015 New Mayors and Council Members Academy	\$1,781.75
Yxstian A. Gutierrez	1/6/15	Moreno Valley Hispanic Chamber of Commerce Adelante	
	1/13/15 1/16/15	League of California Cities 2015 New Mayors and Council Members Academy	\$1,781.75
D. LaDonna Jempson	1/13/15 1/16/15	League of California Cities 2015 New Mayors and Council Members Academy	\$1,496.05
Jesse L. Molina	1/12/15	League of California Cities Riverside Division	\$36.00
	1/13/15 1/16/15	League of California Cities 2015 New Mayors and Council Members Academy	\$1,583.70

George E. Price	1/12/15	League of California Cities Riverside Division	\$36.00
	1/13/15 1/16/15	League of California Cities 2015 New Mayors and Council Members Academy	\$1,615.75

Prepared By: Cindy Miller Executive Assistant to the Mayor/City Council Department Head Approval: Jane Halstead City Clerk



APPROVALS	
BUDGET OFFICER	me
CITY ATTORNEY	L
CITY MANAGER	H

Report to City Council

TO: Mayor and City Council

FROM: Ahmad R. Ansari, Public Works Director/City Engineer

AGENDA DATE: January 27, 2015

TITLE: AUTHORIZATION TO AWARD AGREEMENT FOR PROFESSIONAL

CONSULTANT SERVICES TO ALBERT A. WEBB ASSOCIATES FOR

THE EDGEMONT WATER SYSTEM PRELIMINARY DESIGN

RECOMMENDED ACTION

Recommendations:

- 1. Approve the Agreement for Professional Consultant Services with Albert A. Webb Associates (Webb), for the Edgemont Water System Preliminary Design project.
- 2. Authorize the City Manager to execute the Agreement for Professional Consultant Services with Webb.
- 3. Authorize the issuance of a Purchase Order to Webb in the amount of \$430,000.00 when the Agreement has been signed by all parties.
- 4. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Agreement for Professional Consultant Services with Webb, not to exceed the Purchase Order amount, subject to the approval of the City Attorney.

SUMMARY

This report recommends approval of an agreement with Webb for the Edgemont Water System Preliminary Design within the Box Springs Mutual Water Company (BSMWC) service area. The completion of the preliminary design of new water system pipelines and facilities layout, water supply sources, project costs and benefits analysis, work plan and schedule, environmental clearance documentation updates, etc. would be used for the preparation of future grant applications to obtain full design and construction funding for the project. One of the potential grants that staff plans to apply for is the California Department of Water Resources' Integrated Regional Water

Management (IRWM) Implementation Grant funded by the Proposition 84 water bond, which is anticipated to be released in 2015. The project is within the Community Development Block Grants (CDBG) target area and is eligible to receive CDBG funding for the preliminary design work.

DISCUSSION

The existing Edgemont water system, privately owned and operated by the BSMWC, is an approximately 50-year old water system that consists of roughly 50,000 feet of pipes and 600 connections along with various facilities including storage tanks, pump station, groundwater wells, and disinfection facility. Water supply for the system is provided from two sources: existing Groundwater Well No. 17 and a connection to the Western Municipal Water District's (WMWD) water distribution through a 4-inch meter for the purpose of water blending.

The aging water system has resulted in various issues and concerns for the improvements of Edgemont Community. Current issues include:

- Declining Water Infrastructure: Storage tanks and pipelines are deteriorated resulting in numerous leaks and loss of water and pressure.
- The old pipelines placed in shallow locations under roadways frequently leak, causing many cuts and patches to the existing roadways in the Edgemont area.
- Inconsistent Water Reliability: The system has been experiencing service interruptions due to leaks and frequent repairs.
- Public Safety Concerns: The system hydrants were tested and at least 47% of the hydrants have inadequate fire suppression flow rates. Hydrant testing also found significant amounts of sediment in the system, which could cause damages to fire engine and equipment.
- Water Quality Concerns: Water supply from the groundwater well contains a high level of nitrates, which require the connection to WMWD's water system for the purpose of blending the water to meet State water quality standards.
- Delayed Improvements: Deteriorating and deficient water system has been interfering with public street improvements as well as hindering private development from occurring within the Edgemont Community.

In 2007, the City received a federal grant to complete a study assessing the water service needs in the Edgemont Community. The grant funds, supplemented by City redevelopment funds, were used for the preparation of the Edgemont Water Master Plan Update (EWMPU). Webb was selected to prepare the Master Plan, which was completed in April 2008, and identified an estimated \$15 million in needed infrastructure improvements. All necessary environmental clearances for future improvements have been obtained.

On December 9, 2014 the City Council adopted the Amendment No. 2 to the 2014-15 Annual Action Plan and redirected CDBG funds in the amount of \$230,000 to the Edgemont Improvement Program. The Edgemont Improvement Program was created

with certain funding dedicated to improving this Disadvantaged Community. With the remaining funding balance in the Edgemont Improvement Program budget from last fiscal year, there will be a total budget amount of \$476,701, sufficient to complete the preliminary design of this project.

Recognizing the needs for water improvements for Edgemont Community, City staff has been tracking various grant opportunities to seek funding on behalf of BSMWC to implement the water system replacement, including the California Department of Public Health's Drinking Water State Revolving Fund, Cap and Trade, and the November 2014 Water Bond. Most immediate is the final round of the Proposition 84 water bond, which is due for release in 2015 with approximately \$63.8 million available for the Santa Ana Watershed region. Two of the advantages of this grant include the 10% set aside (\$6.38 million) and the match waiver for Disadvantaged Communities such as Edgemont. Some application requirements that have been considered in previous rounds of this grant include (note: Proposition 84 eligibility criteria are subject to change):

- Integrated Regional Water Management Plan participation
- Public Agency as the lead agency for the implementation of the project
- Preliminary Design complete
- Fire Flow improvement documentation
- Fire Flow moratorium
- Environmental review and documentation updates
- Disadvantaged Community outreach

It is critical to secure updated environmental clearances and to complete the preliminary design of the Edgemont Water System to obtain needed supporting data for preparing a successful grant application and competitively increase the City's chance of receiving grant funding. This effort includes preparing engineering design plans that are approximately 35% complete, which result in more accurate data on the water system needed, right-of-way required and costs.

On October 23, 2014, a Notice Inviting Proposals for Professional Consultant Services to perform preliminary design for the Edgemont Water System was sent to all the consultants that the City has on its list. This request for proposals (RFP) was also posted on the City's website. The City received five (5) proposals in response to the proposal invitation for this project. A Selection Committee, comprised of City staff, reviewed and rated all proposals, according to the consultant's understanding of the scope of work and ability to complete the project requirements on time. The top ranking two firms were invited for interviews, followed by negotiations on scope of services and fees. Webb was selected as the most qualified consultant for this project since the firm demonstrates a very thorough understanding of the work and presents an ability to provide the required services on time and within budget.

The City's RFP and Webb's proposal include discussion of both the preliminary and final design work. However, this agreement, with which staff is seeking the City Council approval, will contract for Webb's services to complete only the preliminary design work

per Webb's amended proposal as attached. This way, the City will have the flexibility in retaining a consultant to complete the final design once funding becomes available. Webb is responsible for completing all research and review of the existing water system, performing surveying and geotechnical investigations, identifying right-of-way or easement needs, developing design alternatives, developing preliminary engineering plans and costs, completing required right-of-way documentation, completing all environmental clearance documentation and updates, and developing a work plan and cost/benefit analysis for the purpose of completing grant applications.

ALTERNATIVES

- 1. Approve and authorize the recommended actions as presented in this staff report. This alternative will provide for the timely completion of the preliminary design of the water system necessary for the preparation and submittal of the coming grant applications.
- 2. Do not approve and authorize the recommended actions as presented in this staff report. This alternative will delay completion of the preliminary design of the water system necessary for the preparation and submittal of the coming grant applications and limit the City's chance to obtain funding for the full design and construction of needed water improvements for the Edgemont Community.

FISCAL IMPACT

The preliminary design of this project is funded by Community Development Block Grants (CDBG) funds (Fund 2512). There is no impact to the General Fund. There is no maintenance costs associated with this project at the preliminary design phase.

AVAILABLE FUND FOR PE	<u>ROJECT PRE</u>	<u>-LIMINARY</u>	<u>DESIGN:</u>
Edgement Water System			

Edgemont Water System	
CDBG Funds	
(Account No. 2512-30-33-72611-740102)	\$476.701
(GR CDBG Edgemont Project – Edgemont Improvements)	
Total	\$476,701
ESTIMATED PROJECT PRELIMINARY DESIGN COSTS: Consultant Design Cost	<u>\$46,700</u>
ANTICIPATED PROJECT SCHEDULE:	

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

PUBLIC SAFETY:

Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

POSITIVE ENVIRONMENT:

Create a positive environment for the development of Moreno Valley's future.

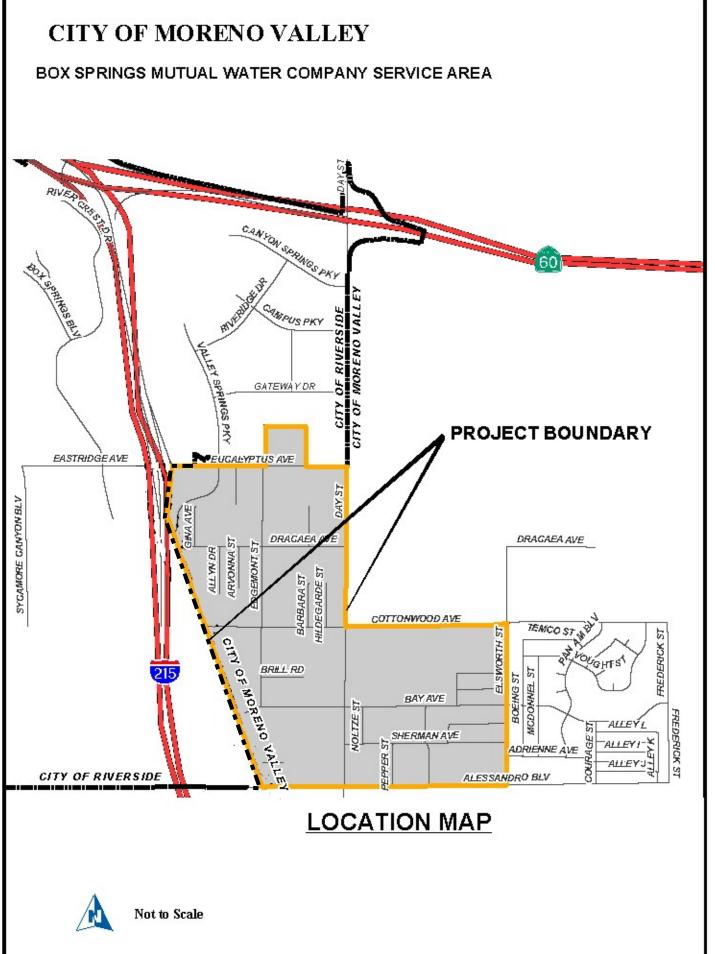
ATTACHMENTS

Attachment 1: Location Map

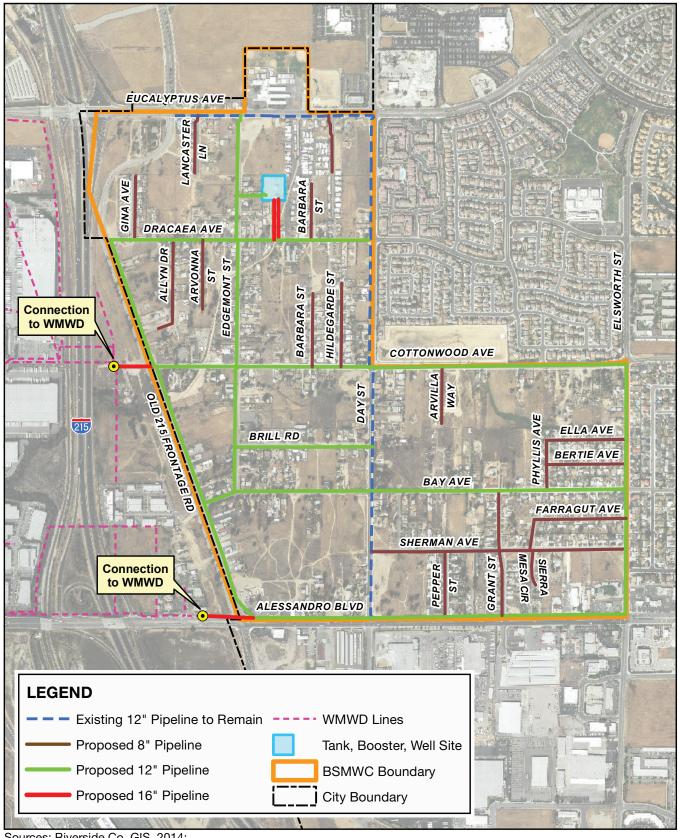
Attachment 2: Proposed Edgemont Water System Map Attachment 3: Agreement with Albert A. Webb Associates

Prepared By: Quang Nguyen, P.E. Senior Engineer Department Head Approval: Ahmad R. Ansari, P.E. Public Works Director/City Engineer

Concurred By: Prem Kumar, P.E. Deputy Public Works Director/Assistant City Engineer Department Head Approval: Rick Teichert Chief Financial Officer/City Treasurer This page intentionally left blank.



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Sources: Riverside Co. GIS, 2014; WMWD 2010; Eagle Aerial, April 2012.



Proposed Edgemont Water System

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This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Albert A. Webb Associates, a California corporation, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the professional work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "A" (City's Request for Proposal) and Exhibit "B" (Consultant's Proposal) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project, and hereby represents that it desires to and is professionally and legally capable of performing the services called for by this Agreement;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

DESCRIPTION OF PROJECT

The Project is described as the Edgemont Water System Preliminary Design.
 Project No. 804 0009.

SCOPE OF SERVICES

- 2. The Consultant's scope of service is described on Exhibit "B" attached hereto and incorporated herein by this reference. In the event of a conflict, the City's Request for Proposal shall take precedence over the Consultant's Proposal.
- 3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of \$ 430,000 in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TIME FOR PERFORMANCE

- 5. The Consultant shall commence services upon receipt of written direction to proceed from the City.
- 6. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth in Exhibit "B" attached hereto and incorporated by this reference.
- 7. This Agreement shall be effective from effective date and shall continue in full force and effect date through December 31, 2016 subject to any earlier termination in accordance with this Agreement. The services of Consultant shall be completed in a sequence assuring expeditious completion, but in any event, all such services shall be completed prior to expiration of this Agreement.
 - 8. (a) The Consultant agrees that the personnel, including the principal Project

manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

(b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

- 9. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.
- 10. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.
- 11. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement.
- 12. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.
- 13. To the extent required by controlling federal, state and local law, Consultant shall not employ discriminatory practices in the provision of services, employment of personnel, or in any other respect on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era. Subject to the foregoing

and during the performance of this Agreement, Consultant agrees as follows:

- (a) Consultant will comply with all applicable laws and regulations providing that no person shall, on the grounds of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity made possible by or resulting from this Agreement.
- (b) Consultant will not discriminate against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era. Consultant shall ensure that applicants are employed, and the employees are treated during employment, without regard to their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era. Such requirement shall apply to Consultant's employment practices including, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provision of this nondiscrimination clause.
- (c) Consultant will, in all solicitations or advertisements for employees placed by or on behalf of Consultant in pursuit hereof, state that all qualified applicants will receive consideration for employment without regard to race, religious creed, color, national origin,

ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era.

- (d) If Consultant should subcontract all or any portion of the services to be performed under this Agreement, Consultant shall cause each subcontractor to also comply with the requirements of this Section 13.
- 14. To the furthest extent allowed by law (including California Civil Code section 2782.8 if applicable), Consultant shall indemnify, hold harmless and defend the City, the Moreno Valley Community Services District ("CSD"), the Moreno Valley Housing Authority ("Housing Authority") and each of their officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage), and from any and all claims, demands and actions in law or equity (including reasonable attorney's fees and litigation expenses) that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of Consultant, its principals, officers, employees, agents or volunteers in the performance of this Agreement.

If Consultant should subcontract all or any portion of the services to be performed under this Agreement, Consultant shall require each subcontractor to indemnify, hold harmless and defend City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers in accordance with the terms of the preceding paragraph.

This section shall survive termination or expiration of this Agreement.

15. Insurance.

(a) Throughout the life of this Agreement, Consultant shall pay for and maintain in full force and effect all insurance as required in **Exhibit E** or as may be authorized in writing by the City Manager or his/her designee at any time and in his/her sole discretion.

- (b) If at any time during the life of the Agreement or any extension, Consultant or any of its subcontractors fail to maintain any required insurance in full force and effect, all services and work under this Agreement shall be discontinued immediately, and all payments due or that become due to Consultant shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Agreement. No action taken by City pursuant to this section shall in any way relieve Consultant of its responsibilities under this Agreement. The phrase "fail to maintain any required insurance" shall include, without limitation, notification received by City that an insurer has commenced proceedings, or has had proceedings commenced against it, indicating that the insurer is insolvent.
- (c) The fact that insurance is obtained by Consultant shall not be deemed to release or diminish the liability of Consultant, including, without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify City shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Consultant. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Consultant, its principals, officers, agents, employees, persons under the supervision of Consultant, vendors, suppliers, invitees, consultants, sub-consultants, subcontractors, or anyone employed directly or indirectly by any of them.
- (d) Upon request of City, Consultant shall immediately furnish City with a complete copy of any insurance policy required under this Agreement, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Agreement.

- (e) If Consultant should subcontract all or any portion of the services to be performed under this Agreement, Consultant shall require each subcontractor to provide insurance protection in favor of City and each of its officers, officials, employees, agents and volunteers in accordance with the terms of this section, except that any required certificates and applicable endorsements shall be on file with Consultant and City prior to the commencement of any services by the subcontractor.
- 16. The waiver by either party of a breach by the other of any provision of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement. No provisions of this Agreement may be waived unless in writing and signed by all parties to this Agreement. Waiver of any one provision herein shall not be deemed to be a waiver of any other provision herein.
- 17. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.
- 18. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.
- (b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.
- (c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product

produced under this agreement may be public record under State law.

- 19. This Agreement shall terminate without any liability of City to Consultant (a) upon the earlier of: (i) Consultant's filing for protection under the federal bankruptcy laws, or any bankruptcy petition or petition for receiver commenced by a third party against Consultant; (ii) 10 calendar days prior written notice with or without cause by City to Consultant; (iii) City's non-appropriation of funds sufficient to meet its obligations hereunder during any City fiscal year of this Agreement, or insufficient funding for the Project; or (iv) expiration of this Agreement. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Consultant shall not be paid for any work or services performed or costs incurred which reasonably could have been avoided.
- (b) In the event of termination due to failure of Consultant to satisfactorily perform in accordance with the terms of this Agreement, City may withhold an amount that would otherwise be payable as an offset to, but not in excess of, City's damages caused by such failure. In no event shall any payment by City pursuant to this Agreement constitute a waiver by City of any breach of this Agreement which may then exist on the part of Consultant, nor shall such payment impair or prejudice any remedy available to City with respect to the breach.
- (c) Upon any breach of this Agreement by Consultant, City may (i) exercise any right, remedy (in contract, law or equity), or privilege which may be available to it under applicable laws of the State of California or any other applicable law; (ii) proceed by

appropriate court action to enforce the terms of the Agreement; and/or (iii) recover all direct, indirect, consequential, economic and incidental damages for the breach of the Agreement. If it is determined that City improperly terminated this Agreement for default, such termination shall be deemed a termination for convenience.

- (d) Consultant shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of Consultant and without its fault or negligence such as, acts of God or the public enemy, acts of City in its contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. Consultant shall notify City in writing as soon as it is reasonably possible after the commencement of any excusable delay, setting forth the full particulars in connection therewith, and shall remedy such occurrence with all reasonable dispatch, and shall promptly give written notice to Administrator of the cessation of such occurrence.
- 20. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.
- 21. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.
 - 22. This Agreement represents the entire and integrated Agreement between the

City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.

- 23. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.
- 24. The City and the Consultant agree, that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.
- 25. (a) Consultant shall comply, and require its subcontractors to comply, with all applicable (i) professional canons and requirements governing avoidance of impermissible client conflicts; and (ii) federal, state and local conflict of interest laws and regulations including, without limitation, California Government Code Section 1090 et. seq., the California Political Reform Act (California Government Code Section 87100 et. seq.) and the regulations of the Fair Political Practices Commission concerning disclosure and disqualification (2 California Code of Regulations Section 18700 et. seq.). At any time, upon written request of City, Consultant shall provide a written opinion of its legal counsel and that of any subcontractor that, after a due diligent inquiry, Consultant and the respective subcontractor(s) are in full compliance with all laws and regulations. Consultant shall take, and require its

subcontractors to take, reasonable steps to avoid any appearance of a conflict of interest.

Upon discovery of any facts giving rise to the appearance of a conflict of interest, Consultant shall immediately notify City of these facts in writing.

- (b) In performing the work or services to be provided hereunder, Consultant shall not employ or retain the services of any person while such person either is employed by City or is a member of any City council, commission, board, committee, or similar City body. This requirement may be waived in writing by the City Manager, if no actual or potential conflict is involved.
- (c) Consultant represents and warrants that it has not paid or agreed to pay any compensation, contingent or otherwise, direct or indirect, to solicit or procure this Agreement or any rights/benefits hereunder.
- (d) Neither Consultant, nor any of Consultant's subcontractors performing any services on this Project, shall bid for, assist anyone in the preparation of a bid for, or perform any services pursuant to, any other contract in connection with this Project unless fully disclosed to and approved by the City Manager, in advance and in writing. Consultant and any of its subcontractors shall have no interest, direct or indirect, in any other contract with a third party in connection with this Project unless such interest is in accordance with all applicable law and fully disclosed to and approved by the City Manager, in advance and in writing. Notwithstanding any approval given by the City Manager under this provision, Consultant shall remain responsible for complying with Section 25(a), above.
- (e) If Consultant should subcontract all or any portion of the work to be performed or services to be provided under this Agreement, Consultant shall include the provisions of this Section 25 in each subcontract and require its subcontractors to comply therewith.

- (f) This Section 25 shall survive expiration or termination of this Agreement.
- 26. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.
- 27. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement. Venue shall be vested in the Superior Court of the State of California, County of Riverside.

SIGNATURE PAGE FOLLOWS

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

	City of Moreno Valley	Albert A. Webb Associates
BY: _		BY:
	City Manager	Name:
		TITLE:(President or Vice President)
_	Date	Date
	INTERNAL USE ONLY	BY:
APPR	City Clerk Conly needed if Mayor signs) OVED AS TO LEGAL FORM: City Attorney Date MMENDED FOR APPROVAL:	Name: TITLE: (Corporate Secretary) Date
Publ	ic Works Director/City Engineer Date	
Chie	f Financial Officer/City Treasure	
	Date	

EXHIBIT A

REQUEST FOR PROPOSAL FOR PROFESSIONAL CONSULTANT SERVICES FOR THE EDGEMONT WATER SYSTEM REPLACEMENT PROJECT NUMBER: 804 0009 FOR

CITY OF MORENO VALLEY - CAPITAL PROJECTS DIVISION

I. INVITATION

You are hereby invited to submit a Proposal for Professional Consultant Services associated with the Edgemont Water System Replacement project.

Four (4) copies (one of the copies shall be unbound and paper clipped, with no tabs, holes, perforations, or cardboard inserts, suitable for copying with an automatic-feed copy machine) of your Proposal shall be submitted before **4:00 p.m., November 14, 2014,** addressed to City of Moreno Valley, Capital Projects Division, 14177 Frederick Street (hand delivery), P.O. Box 88005, Moreno Valley, California 92552-0805 (mail delivery), Attention: Quang Nguyen, Senior Engineer, P.E.

II. GENERAL PROJECT DESCRIPTION

The City is requesting proposals (RFP) for professional consultant services for the purpose of providing comprehensive design engineering services as well as technical supports during project's advertising/bidding and construction phases for the Edgemont Water System (System) Replacement Project.

The project is to design and construct a new water system within the current Box Springs Mutual Water service area which is within the Edgemont Community of the City of Moreno Valley. The construction of this project may be completed in different phases subject to funding availability. The existing System is a 50-year old water distribution system that consists of approximately 50,000 feet of pipes with sizes ranging from 4-in diameter to 12-in diameter, disinfection facility, two steel storage tanks, a booster pump station, and various appurtenances. The existing System has an estimated 600 to 650 water services, and water supply is provided from two sources: existing Well No. 17 and a connection to the Western Municipal Water District's (WMWD) water distribution through a 4-in meter. The existing System is currently owned and operated by the Box Springs Mutual Water Company (BSMWC). Additional background information related to the existing System's history, conditions, water supply, water quality, water distribution facilities as well as operating/maintaining/upgrading budget and financing can be found within the reference documents listed in this section and be available for distribution upon request.

The existing System's deteriorating condition and not so well-recorded pipeline locations and depths have been interfering with public capital improvements and preventing private development from occurring within the Edgemont Community. Improvements to the System need to happen in order for other public infrastructures such as streets, sidewalks, storm drains to be improved and upgraded for the community. The City desires to take a lead in seeking grants and other funding sources/financing options available to public agencies to fund this project. The City also desires to manage and administer the design and construction of this project from start to end.

The new System will be designed in accordance with WMWD standards, American Water Works Association (AWWA) standards, City of Moreno Valley Standards, State of California Health & Safety Code and Title 22 of the California Code of Regulations (CCR) and California Department of Public Health laws and regulations.

The following documents are available for review. Please contact Capital Projects at (951) 413-3130 to request these documents.

- 1. Box Springs Mutual Water Company History and Master Plan April 2001
- 2. Edgemont Water Master Plan Update Summary Report Aril 2008
- 3. Ground Water Basin Assessment for the Box Springs Mutual Water Company Service Area Rezoning, City of Moreno Valley, California, March 2009
- 4. Box Springs Mutual Water Company Technical, Management and Financial Report June 2009
- 5. Notice of Determination-Mitigated Negative Declaration-Initial Study-Environmental Assessment—December 2009
- 6. Water System Valuation Box Springs Mutual Water Company October 2013
- 7. Technical Memorandum Box Springs Mutual Water Company Costs for System Operation and Maintenance October 2013
- 8. Technical Memorandum Box Springs Mutual Water Company Improvement Cost Options October 2013
- 9. Memorandum Box Springs Mutual Water Company Hydrant Testing January 2014
- 10. Integrated Regional Water Management Proposition 84 and 1E Grant Program Guidelines November 2012

III. PROJECT BUDGET AND SCHEDULE

The City of Moreno Valley will fund the preliminary design (35% design) for this project with the Community Development Block Grant (CDBG). The current budget available for the Consultant to complete the preliminary is limited to \$450,000. In the upcoming fiscal year, the City will seek and identify additional funds for completing the final design. With adequate data regarding project probable costs, project benefits, work plan, construction phasing, etc. obtained at the completion of the preliminary design the City desires to prepare and apply for the California Department of Water Resources' Integrated Regional Water Management (IRWM) Round 3 Implementation Grants funded by Proposition 84 to fund the first phase of construction of the project. The subsequence phases of construction will occur once additional funding becomes available.

The anticipated schedule for this project is as follows:

Advertise RFP: October 9, 2014
Proposals due: November 14, 2014
Proposals review/consultant interview: November 17 to 30, 2014
Award design contract/NTP: Mid December 2014

Preliminary design (35% design): Mid December 2014 to End of April 2015

Round 3 IRWM grant application

preparation and submittal: May to October 2015

(not part of this RFP)

Final design (100% design): November 2015 to April 2016 (Tentative)

Advertise/award construction contract: May to July 2016 (Tentative)

(Phase 1)

Construction (Phase 1): August to June 2017 (Tentative)
Construction (Phases 2, 3, etc.): TBD (subject to funding availability)

IV. SCOPE OF SERVICES

The City anticipates the scope of work will be comprehensive and include all tasks necessary to develop preliminary design, perform cost analysis, prepare legal descriptions and plats, prepare environmental documents, prepare and submit applications to obtain all permits as required, develop final design and bid-ready documents, and provide support during bidding and construction of the project.

Due to limited staffing, the City desires to have the Consultant fully taking charge of the project management and perform each task from start to end with minimum City's supervision and involvement. The Consultant will be required to take the initiative to monitor the project's scope, goals, schedule and budget; plan out and complete each task to meet or exceed its goal and schedule; meeting, coordinate, and work with each and all individuals, agencies, and utility companies, and others as required to obtain design information, design and environment documentation review and approval, permit application review and approval to complete the work; look ahead and schedule the next tasks in advance so that the project will progress as scheduled.

Preliminary Design (35% Design)

The preliminary design tasks shall include, but not be limited to:

- 1. Conduct site review and review of existing System facilities to obtain information for the design of new System.
- 2. Review of existing available as-built plans, maps, and reports. Meet and coordinate with BSMWC staff for design data and feedback.
- 3. Review WMWD's design requirements/standards. Meet and coordinate design with WMWD engineering staff for water supply and demand, connection, pressure zone, storage, pipeline and appurtenances selection and layout, etc. Additional information regarding WMWD design standards can be obtained from it's website:

http://www.wmwd.com/index.aspx?NID=162

4. Develop different design alternatives (minimum 3) for the new System. Select and recommend the most cost effective alternative.

- 5. Investigate and identify groundwater/well water supply and other sources for the new System. It is the City's preference to have multiple water supply sources to be developed and included in the new System.
- 6. Develop engineer's estimate of probable construction cost for each construction phase of each alternative for the purpose of comparison.
- 7. Develop separate construction phases for the recommended alternative for the purpose of budgeting and seeking future funding to complete each construction phase of the project.
- 8. Develop schedule and work plan for the recommended alternative.
- 9. Research and identify right-of-way or easement needs for the construction of the new System pipelines, facilities, and appurtenances at ultimate locations, and prepare right-of-way map showing locations and limits of existing and any additional/needed rights-of-way or easements.
- Investigate any other existing and propose utilities with identification of utility conflicts and coordination with utility owners to obtain adjustment and/or relocation. (Prepare and mail 1st Utility Notices.)
- 11. Coordinate with all affected agencies and determine requirements for various permits necessary for the project.
- 12. Prepare environmental documentation and perform special studies for the purpose of obtaining CEQA clearance. Environment documentation shall be prepared in such a way and to the extent that it can be used for NEPA clearance if future federal funds are to be used. It is the City's preference to have the environmental clearance completed at the preliminary design stage that could increase the City's chance securing the future grant funding for the project.
- 13. Identify and evaluate all existing improvements, including streets, storm drains, sewers, other utilities within the project area that affect the proposed waterline improvements.
- 14. Incorporate Santa Ana Region Low Impact Development (LID) guidance and standards for this project if LID is applicable.
- 15. Complete Summary Memorandum for review and acceptance by the City and others.
- 16. Prepare 35% Plans based on the approved Summary Memorandum.

Due to CDBG funding requirements, the preliminary design (35% design) shall be completed by the end of April 2014. The Consultant should allocate his or her recourses appropriately to meet the project's aggressive schedule.

Upon successful completion of the 35% Plans, the Summary Memorandum, and acceptance of environmental documentation, right-of-way/easement maps, the City may issue written authorization to proceed with the Final Design or terminate the contract.

Final Design (100% Design)

The Final Design tasks shall include, but not be limited to:

- 1. Develop construction plans for the System replacement, related street improvements, traffic control plans with submission for review at 80%, 100%, and final at the Mylar stage.
- 2. Prepare Specifications with submission for review at 80%, 100% and final at the Mylar stage and prepare print-ready set prior to bidding at the Mylar stage.
- 3. Prepare Engineer's Estimates, separated by funding sources, with submission for review at 80%, 100% and final at the Mylar stage.
- 4. The final PS&E shall be stamped and signed by the Design Consultant Civil Engineer, licensed to practice in the State of California, who supervised the PS&E preparation.
- 5. Finalize all environmental documentation to submit to all agencies/authorities involved and coordinate/work continuously with the agencies/authorities until environmental clearance is obtained. It is crucial to have environmental clearance obtained at 80% design completion.
- Finalize all legal descriptions and plats for any additional/required rights-ofway/easements and continuously meet and negotiate with property owners until required rights-of-way/easements obtained. It is crucial to have all required rights-of-way/easements obtained prior to 100% design completion.
- 7. Finalize and submit all LID documentation for review and approval.
- 8. Prepare and submit Storm Water Pollution Prevention Plan (SWPPP) for approval in accordance with City requirements.
- 9. Prepare 2nd, 3rd and final utility notices and coordinate with utility companies for relocation of interfering utilities.
- 10. The Consultant shall provide an adjustment of final design plans and corresponding documents to reduce the scope of work to match available budget in accordance with City-specified priorities.

Upon City's approval of the PS&E, the City may issue written authorization to the Consultant to proceed with the Advertising/Bidding and Construction Support Tasks or terminate the contract.

Due to funding, Consultant should assume the project design and plans to be completed in three (3) to five (5) different phases so that the new System can be constructed in increments. It is unlikely the entire project funding will be secured at one time to build the whole System in one phase.

Advertising/Bidding and Construction Support

The consultant shall provide support during bidding and construction for the project. The required tasks shall include, but not be limited to:

1. Provide answers to questions related to the design of the project during

bidding process and pre-construction meeting.

- 2. Prepare and issue addenda if required.
- 3. Conduct pre-bid site visits if required.
- 4. Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.
- 5. Prepare agenda and conduct pre-construction meeting.
- 6. Be available to answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during the construction, and assist the City in issuing Contract Change Orders (CCO) required, due to omissions or conflicts in the design, at no additional charge to the City.
- 7. Incorporate all red-line comments prepared by the Contractor and project inspector and prepare final ink on Mylar "as-built" record plans. The as-built drawings shall be provided to the City and approved prior to the release of the final progress payment.
- 8. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings.

DETAILED DESCRIPTIONS OF SOME OF THE TASKS LISTED ABOVE

A. WATER SYSTEM DESIGN

The new System will be designed in accordance with WMWD standards, American Water Works Association (AWWA) standards, City of Moreno Valley Standards, State of California Health & Safety Code and Title 22 of the California Code of Regulations (CCR) and California Department of Public Health laws and regulations, any other applicable codes and regulations, and including but not be limited to the followings:

- 1. The new System must meet the maximum day demand and fire flow requirements at ultimate build-out/development conditions.
- 2. All pipelines, water supply and storage facilities, pumping facilities, and other appurtenances shall be designed and installed at ultimate locations.
- 3. Locations of water pipes and appurtenances on public streets shall be per City standards.
- 4. Various items a highlighted and recommended in the accompanying reference documents listed in Section II above.

B. STREET IMPROVMENTS DESIGN

The primary objective of this project is to replace the existing System with new System and include any minimal related street improvements (interim improvements) to accommodate the new System. However, the City may choose to complete the design construction of ultimate street improvements together with or after this project for any or all streets within the project area if funding becomes available. It is, therefore, the Consultant has the

opportunity to propose and include costs for both of the following street design options. The City reserves the right award either design option to the Consultant. Street design shall be in accordance with the City standards.

- Interim street design: includes clearing and grubbing for water improvements, minimal trench and pavement restoration, and striping restoration. Interim street construction may include reconstructing any uneven segments of streets (raising low points or lowering high points) to provide adequate cover for water pipes.
- 2. Ultimate street design: includes design of ultimate/full street width per City standards with curb, gutter, sidewalk, ramps and driveways, new pavement, drainage facility and street light.

C. SUMMARY MEMORANDUM

The Consultant shall prepare a project Summary Memorandum which is a shortened version of the standard Project Report. The Summary Memorandum shall include, but not be limited:

- 1. Project's descriptions and objectives.
- 2. Summary/discussion of existing System facilities, pipelines, and appurtenances, as well as deficiencies and constraints.
- 3. Proposed design alternatives and recommended alternative.
- 4. Design criteria and standards.
- 5. Any design deficiencies and exceptions with justifications.
- 6. Engineer's Probable Cost Estimate for each alternatives.
- 7. Environmental Clearance documentation needs.
- 8. Right-of-way/easement needs.
- 9. Information regarding all required permits from different agencies/authorities.
- 10. Construction phases and schedules or work plan.
- 11. Budget needs and funding opportunities.

It is the City's intent to obtain a Summary Memorandum and the 35% design that contains sufficient information which can be used for the preparation of a good Round 3 IRWM Implementation Grants application for this project. The Consultant is advised to review the attached "Guidelines – Integrated Regional Water Management Proposition 84 and 1E – November 2012" for more information on what type of documents/attachments are needed for the grant application that the Consultant can propose to develop at 35% design stage to help the City's grant writer with the application.

D. ENVIRONMENTAL

The Consultant shall identify all environmental concerns for the project and coordinate with the City and other applicable agencies for requirements to complete the environmental process. The Consultant shall perform all work and coordination, conduct and attend meetings, and prepare all environmental documents, technical studies, reports, permit applications, and other materials to obtain clearance through all applicable agencies for the project.

The environmental procedures shall be in compliance with CEQA requirements. However,

environment documentation shall be prepared in such a way and to the extent that it can be used for NEPA clearance documentation if future federal funds are to be used.

E. SURVEYING

The Consultant shall perform all surveys and survey-related services necessary for engineering design of specific proposed improvements, including, but not limited to:

- 1. Conduct street surveys, utility surveys, boundary surveys, lot surveys, and property line surveys to obtain sufficient information for engineering design of the proposed improvements and right-of-way/easement acquisition process if required.
- 2. Prepare topographic base maps containing all surface features and needed elevations. Topography shall include, but not be limited to, all features within the right-of-way and shall extend the length of the street, a minimum of two hundred feet (200') beyond the existing and future curb returns at all intersections, and include existing sewer manhole inverts, top of cone and rim elevations.
- 3. Establish a uniform stationing on all streets, increasing northerly and easterly, and provide cross-sections at fifty feet (50') on street center line within the limits described. The cross sections shall be incorporated in the design plans for construction bidding purposes as appropriate. A nail and tin shall be placed every one hundred feet (100') on station and fifty feet (50') painted in between with the station number painted next to it. All public and private street intersections shall have a nail and tin along with having the station number painted next to it. If centerline is on private property, then the station markings shall be offset.
- 4. Establish a minimum of two (2) temporary benchmarks on the project.
- 5. Submit survey topography on CD-RW diskette and a separate hard copy plot provided for the proposed improvements, using AutoCAD Land Development or compatible software approved by the City. Survey points with coordinates, elevations, and description key shall be AutoCAD Land Development Standard Survey Descriptions only; no other survey description will be allowed. The data shall be submitted in ASCII format on CD-RW diskette with a hard copy printout provided.

F. GEOTECHNICAL

The Consultant shall perform all geotechnical services necessary for engineering design of specific proposed improvements, including but not limited to:

1. Perform subsurface exploration and analysis, including in-place moisture and density tests, laboratory maximum density and optimum tests, sieve analysis, R-value determination, direct shear tests, consolidation or collapse tests, and other required tests.

- 2. Review of existing geotechnical/geologic maps, reports or other related documents.
- 3. Review project Plans and Specifications through the design process, with consideration of geotechnical issues such as materials testing and suitability.
- 4. Provide geotechnical evaluation and recommendations on, including, but not limited to, grading, earthwork, settlement, surface and subsurface drainage, foundation/column/slab design, slope stability, pavement design, trench backfill, retaining wall design, environmental concerns, removal of unsuitable materials, etc.
- 5. An investigation of the existing pavement conditions shall be performed accompanied by pavement coring and soil borings and sampling. Pavement corings and soil samples in sufficient quantities shall be taken and tested to determine R values and structural pavement sections to be considered for the project. The Consultant shall record the pavement and base thicknesses of each coring and record in-situ soil type, weight, moisture content, relative compaction, etc., at a minimum 2 feet (2') and 5 feet (5') depth, or as recommended by the Geotechnical Engineer supervising the investigation. Boring logs shall be prepared and presented in a report along with all test results and recommendations for replacement of structural sections, overlay thickness, and/or rehabilitative repair strategy. Consideration for the effect of any overlay recommendations upon the existing street profile, cross section and or highway drainage shall be addressed.
- 6. Prepare field and final geotechnical reports and logs of exploratory borings and results of laboratory testing.
- 7. Prepare scale plans showing locations and identifications of the borings and other required geotechnical information.
- 8. A Traffic Index (TI) shall be used in accordance with the City Standards. Appropriate TI shall be used for the crossing streets with higher classification and /or for streets with truck route designation.
- 9. All in-place/laboratory tests, sampling, and reports shall be performed and prepared in accordance with Caltrans and other applicable agency procedures, policies, regulations, requirements, and formats.
- 10. Potholes in paved areas shall be repaired per City Standards; however, potholes within the proposed pavement construction area may be considered for an alternate repair treatment, at the discretion of the City Program Manager.
- 11. It will be the responsibility of the Consultant to notify Underground Service Alert prior to the start of any subsurface exploration work. The Consultant shall submit a traffic control plan to the City for review and obtain a permit to operate and conduct explorations within the public right-of-way.

12. The Consultant shall obtain all necessary permits to enter and construct on private properties from property owners, as required by the City, for all research such as surveying, geotechnical, and other design-related work.

G. RESEARCH OF RECORD INFORMATION

The Consultant shall perform all research of utility company, and other agency records as necessary to secure all the information, clearances, and/or plan review services required to identify, locate, and accurately layout all underground improvements and easements, centerline, right-of-way, property lines, curb and gutter, intersecting streets, cross gutters, and other ancillary items that may affect the project.

The City will provide copies of available pertinent City Records, such as survey ties, benchmarks, and street plans that the City knowingly has in its possession.

H. UTILITY COORDINATION

The Consultant shall contact all utility agencies providing service within the City and obtain utility maps and records for the project area. Field reviews to locate all surface utilities that are impacted by the project shall be performed. A summary of the research findings, anticipated conflicts, relocations or adjustments shall be included in the Summary Memorandum. Continuing coordination shall be performed up to the Notice to Relocate prior to construction.

The Consultant shall provide utility notices to all utility companies with facilities within the limits of the project, such as, but not limited to: WMWD, Eastern Municipal Water District (EMWD), Southern California Gas Company, (GAS), Southern California Edison (SCE), Time Warner, and Verizon. Said notices will inform the utility of their need to relocate their facilities prior to construction or to adjust their facilities to grade after completion of the street paving.

The Consultant shall directly submit to each utility company their required number of preliminary and final plan sets that provide the location, elevation of the utility, and the elevation of the improvement with the conflict area clouded to show the utility companies the areas that conflict. The Consultant shall coordinate with the utilities for relocation of their facilities if required. The Consultant shall provide the utility companies with three (3) relocation notices. The City shall supply the Consultant with the required format for the utility notice in a Microsoft Word format. The Consultant shall be responsible to complete the document. The Consultant shall also be required to coordinate with the utility companies the scheduled relocation of the utilities prior to the start of construction.

The utility notices are as follows: 1st Utility Notice for City Improvements, Preliminary Project Notice; 2nd Utility Notice for City Improvements, Prepare to Relocate; 3rd Utility Notice for City Improvements, Notice to Relocate; and 4th Utility Notice for City Improvements, Notice to Relocate Immediately. The City will supply the Consultant with the required forms for the utility notices in a Microsoft Word format.

The Consultant shall compose all utility letters and forms. The City will print the utility notices on City letter head and the Consultant shall pick-up and mail the letters, Certified, with Return Receipt requested back to the City. A copy of the Certified Mail article numbers shall be provided to the City within a few days of mailing. The Consultant shall document on the return receipt card the project number, project name, and name of the Consultant. The Consultant shall call the utility companies, as necessary, until a written response form is received from each potential conflicting utility.

The Consultant shall prepare and maintain a detailed utility coordination log that shall be updated on regular basis and be presented and discussed at Project Development Team (PDT) meetings.

The Consultant shall measure and document the height of the existing overhead utility lines for traffic signal, safety lighting, and street light clearance.

The Consultant shall obtain a Release Letter for Source of Power from the City of Moreno Valley Electric Utility Division.

The Consultant shall coordinate with SCE or the City of Moreno Valley Electric Utility Division for the source and location of the power for the traffic signal and location for the meter cabinet and traffic sign controller. The Consultant shall obtain the address for the meter cabinet, when the location is known, from the City Building Division.

The Consultant shall coordinate with the utility companies for the relocation of any of their facilities that conflict with the proposed improvements and continue coordination until the utility conflict is resolved.

I. UTILITY POTHOLING

The Consultant shall pothole, or engage a construction service to pothole, all underground utilities to determine the location, depth for clearance, connection points, or conflicts for any underground improvements such as sewer lines, storm drains, gas lines, waterlines and other utilities. The Consultant shall pothole at least an adequate number of water and sewer laterals at appropriate locations to establish an average lateral depth. The Consultant shall submit to each utility company a preliminary set of plans that provide the location and elevation of the utility with the conflict areas clouded to show the utility companies the areas of conflict with the proposed improvements. The potholing information and plan shall be submitted to the City after completion of that task. If an area of possible conflict was not potholed, the Consultant shall pothole the area to verify no conflicts, at no cost to the City.

For the purpose of completing the cost proposal for this RFP, it is assumed that there will be approximately 70 potholes needed for this project.

Potholes in paved areas shall be repaired per City Standards. However, potholes within the proposed pavement construction area may be considered for an alternate repair treatment, at the discretion of the City.

It shall be the responsibility of the Consultant to notify Underground Service Alert prior to the start of any subsurface exploration work. The Consultant shall submit for City Review a traffic control plan and obtain a permit to operate and conduct any potholing within the public right-of-way.

The Consultant shall obtain all necessary permits to enter and construct on private properties from property owners, as required by the City, for all research such as surveying, geotechnical, and other design-related work.

J. RIGHT-OF-WAY/ EASEMENT

In support of the proposed project improvements, additional right-of-way or easement may need to be acquired and may include fee simple interest, permanent easements, temporary easements, and right of entries, which are collectively termed as right-of-way.

The Consultant shall take the lead, coordinate, manage, and be responsible for comprehensive full service right-of-way/easement acquisition services based on a "cradle to the grave" approach within the project timeline. These services shall include the following major elements:

- Identify all needed right-of-way/easement based on project alternatives in order to satisfy the "maximum public benefit with the least private injury" principle.
- 2. Perform utility easement research/coordination and identify all utilities that have prior rights.
- 3. Prepare all right-of-way related documents.
- 4. Provide title reports and/or litigation guarantees for each of the take parcels.
- 5. Provide full-service appraisal services in conformance with the Uniform Standards of Professional Appraisal Practice (USPAP) and the Code of Professional Ethics of the Appraisal Institute and appraiser support during the acquisition process.
- 6. Provide comprehensive settlement negotiations and escrow services including preparation of all related documents until required deeds are recorded.
- 7. Coordinate eminent domain actions if required. If eminent domain should occur, the City and Consultant will negotiate the scope of services and fees.

The Consultant shall be responsible to ensure that all necessary right-of-way/easement services are provided for the complete design of the project to meet all applicable Federal, State, and local requirements. The acquisition process shall be conducted in accordance with Caltrans procedures, California Civil Code, and the California Relocation Assistance law adopted by resolution of the City Council of the City of Moreno Valley on August 19, 1986, including any changes to state and

federal law since the adoption.

The following is a list of services that may be needed over the course of the contract. This list is not intended to be all-inclusive, as other services may be required:

- a. Coordinate the preparation of site surveys relating to real properties that are required for public purposes.
- b. Identify the needs for new rights-of-way, permanent easements, temporary construction easements, and rights-of-entry. Conduct alternative analysis if necessary.
- c. Analyze title reports/cases, contracts, judgments, court records, and other documents to evaluate the legal status and effect upon title of various liens, restrictions, and encumbrances; perform research for all outstanding offers of dedication.
- d. Prepare a separate right-of-way plan showing existing right-of-way, areas requiring acquisition, assessor's parcel numbers, zoning, owner's name, addresses, type of business, property lines, footprints of buildings, setback distances from right-of-way to buildings, vegetation, existing and proposed improvements in the taking areas, existing driveways, and easements across the property.
- e. Prepare offers, summary statements, contracts, agreements, leases, correspondence, deeds, re-conveyances, legal descriptions, plats, certificates of acceptance, and other instruments for each parcel acceptable to the City (and applicable utility companies) for conveyance of marketable title interests and for accurate representation of right-of-way necessary for construction of the project.
- f. Prepare all documents required for temporary construction easements and rights-of-entry.
- g. Prepare preliminary estimate of the market value of real property and prepare written reports.
- h. Consult with the necessary City departments regarding real property matters.
- Assist in preparing Staff Reports for City Council to authorize various right-of-way related matters such as authorization for negotiation, execution of purchase agreements, adoption of resolution of necessity, etc.; and make presentation at the City Council Meetings.
- j. Negotiate for purchase, lease, voluntary dedication or donation of real property.

- k. Provide staking as needed during the appraisal process and/or negotiation process to establish take area boundaries.
- I. Provide project improvements alternate analysis during right-of-way negotiations phase as necessary.
- m. Conduct regular status/coordination meetings during the right-of-way phase.
- n. Record documentation at the County Recorders Office.
- o. Provide independent review of property surveys, plats, and legal descriptions.
- p. Review draft appraisal reports for completeness and accuracy.
- q. Maintain records, databases, maps, deeds, and other documents.
- r. Provide relocation assistance to occupants of real property acquired for projects.
- s. Conduct research at the County Assessors Office.

Appraisal:

The Consultant shall perform all appraisals in accordance with the USPAP, the Code of Professional Ethics of the Appraisal Institute, and all other applicable laws and regulations.

Each appraisal shall be performed in a format, assuming a potential action in eminent domain (condemnation), including, but not limited to, such considerations as highest and best use as if vacant, damages to the remainder, etc.

The Consultant shall submit three (3) bound copies of the Appraisal Report in accordance with the Caltrans Right-of-Way Manual. One data book may be compiled for multiple parcels, but each parcel appraisal must have sufficient content to be stand-alone.

All three (3) approaches to value - the Cost Approach, Income Approach and Sales Comparison (Market) Approach, as outlined in Section 7.05 of the Caltrans Right-of-Way Manual, shall be considered and all approaches that apply to the subjects shall be employed with the most applicable being weighted appropriately.

The appraiser shall conduct all necessary research to determine owner of record, land use, zoning, encumbrances, highest and best use, and any factors that will affect value.

The appraiser shall bring forth any major issues identified on the project and discuss. If the project is federally funded, the Consultant shall have the appraisal reviewed by an independent appraiser. All appraisals shall be prepared by a

certified appraiser.

K. FORMAT FOR PLANS AND SPECIFICATIONS

- 1. The PS&E must conform to the City of Moreno Valley's and WMWD's standards and format. The Consultant shall provide clear, concise, and complete plans and profiles, which shall include, where applicable, the title sheet, street improvement, storm drain, traffic signal, striping and signing, traffic control, and detail and cross section plans. The scales for the plans are 1" = 20' or 1" = 40' for all plan sheets. Either Moreno Valley's or WMWD's or both standard title blocks shall be used.
- Street Improvement Plans shall include, but not be limited to: All existing surface improvements, driveways and entrances, edge of pavement, curbs, gutters, cross gutters, sidewalks, access ramps, mailboxes, landscaping, walls and fences, water valves and meters, fire hydrants, gas valves, sewer manholes, storm drain manholes, telephone manholes, electrical manholes, electrical cabinets, power poles, street lights, traffic loops, signs, catch basins and other storm drain facilities, utility lines (both underground and overhead), right-of-way and lot lines, and all other surface features that could be affected by the new construction within the project limits. Existing improvements shall be shown in a half-tone or dashed background format to distinguish them from the new improvements.

New improvements shall include, but not be limited to: Construction notes and legends, curbs, gutters, sidewalks, street drainage facilities, street lighting (where required), all facility or structure adjustments to be performed by the Contractor (including water valves and meters, gas valves, sewer manholes, storm drain manholes, telephone manholes, electrical manholes, etc.), street centerline and top of curb profiles, all relocations, all reconstructions or modifications, and all other proposed improvements shall be shown in full tone or highlighted with appropriate construction notes, detail references or standard plan references identified. All access ramps shall be upgraded to comply with the latest ADA standards. Construction notes shall be arranged such that the first notes are "protect in place" followed with "removal" notes and end with the actual work. Notes of like work shall be grouped together.

- 3. Water Improvement Plans shall be prepared in accordance with WMWD's standards.
- 4. Traffic Control Plans shall address handling of traffic, long-term closures, and representative construction signage for the major elements in logical stages of the project construction and shall be in accordance with the latest California Manual on Uniform Traffic Control Devices (MUCTD) and/or Work Area Traffic Control Handbook (WATCH) Manual, as appropriate.
- 5. Detail Plans shall be provided where standard plans are not available or where specific dimensioning cannot be readily shown on the improvement plans or provided by description in the project specifications or as needed to

insure project constructability.

6. All drawings shall be prepared with AutoCAD Land Development software or design software that is compatible with the Land Development software approved by the City. The design shall be plotted using permanent drafting ink on Mylar, and drafted on twenty-four inch by thirty-six inch (24" x 36"). The Consultant is required to put hanging file tabs on all Mylar sheets. The final Plans shall be signed by a Civil Engineer registered in the state of California. No "stick-ons" will be allowed.

The originals and the electronic data of these drawings are to be considered to be the property of the City at all times, and shall be submitted to the City, along with a CD-RW disk in AutoCAD Land Development format, upon completion or as otherwise directed by the City. The electronic data shall also include all survey data and point information.

7. Specifications - The City will provide the Consultant with its boilerplate Specifications and General Technical Provisions in the current version of Microsoft Word for Windows format for street improvements portion. Specifications for water improvements shall be per WMWD's boiler standards which can be obtained at:

http://www.wmwd.com/index.aspx?NID=162

The Consultant shall be responsible for compiling the project Specifications, signed by a Civil Engineer registered in the State of California, which is complete and ready for bidding purposes. The latest edition of the Greenbook (Standard Specifications for Public Works Construction and subsequent amendments) shall be used on the project.

L. GENERAL DESIGN SUBMISSION REQUIREMENTS DEFINED

The City has established criteria/requirements for design submittals at 35%, 80%, and 100% level completion for project reviews and payment purposes.

M. SUBMITTALS TO (CITY, AGENCIES, UTILITIES, ETC.)

- 1. The Consultant shall submit four (4) sets of bond copies of the design drawings with each submittal for checking to the City, along with the previous redlined check prints. The design drawings shall be as complete, accurate, and error-free as possible before plan checking is considered, in order to reduce the number of plan checks required and related costs therefore to the City and Consultant. Incomplete submittals may be rejected.
- 2. The Consultant shall submit four (4) sets of any reports, such as geotechnical and/or quantity calculations with each submittal for checking to the City, along with the previously checked reports. Four (4) sets of Project Report [Summary Memorandum], signed by a Civil Engineer registered in the State of California, shall be submitted for checking.

- 3. The Consultant shall, at no cost to the City, correct errors, omissions, and unworkable and/or improper design/drafting on the original drawings, which are discovered subsequent to the completion of the plan checking process.
- 4. The City shall receive a copy of all transmittals, submittals, and letters sent to utilities and agencies regarding the project.

N. ESTIMATE OF QUANTITIES AND COST

The estimated quantities shall itemize all new, remodeled, reconstructed, relocated improvements, but not be limited to: Itemizing all removals, relocations, water pollution control, water pipeline and facilities, earthwork, sub-grade preparation, cold milling, aggregate base, asphalt concrete (AC) paving, Portland Cement Concrete (PCC) sidewalk, PCC curb and gutter, driveway approaches, survey monument wells, raising manholes, water valve lids, painting of pavement legends and striping, signs, traffic control, raised pavement markers, and project signs. The estimated quantities shall be arranged in chronological order of construction and shall contain all the information necessary to prepare the Engineer's Estimate in the format specified by the City or associated agencies. The Engineer's Estimate and bid schedule shall be broken out by funding source or as otherwise directed by the City Program Manager.

Computations showing estimated quantities, costs, and sum totals shall be submitted to the City for review. Submission of computations does not relieve the Consultant's responsibility of submitting an accurate estimate of quantities. The Consultant shall, at the 35%, 80%, 100%, and Final Plan stages, submit estimated quantities calculated and listed by plan sheet, for review by the City. The Consultant's final construction cost estimate shall be based upon, and in agreement with, the final estimate of quantities.

O. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

The Consultant shall prepare a Storm Water Pollution Prevention Plan in accordance with either the San Jacinto Construction Activity Permit or the General Construction Activity Permit depending on the permit area of coverage. The Consultant shall prepare the Notice of Intent (NOI) and process the SWPPP for approval through the Regional Water Quality Control Board and other appropriate authorities and agencies.

P. COPIES OF CONTRACT DOCUMENT PACKAGE

The City will have copies of the Contract Document Package reproduced for distribution during bidding.

Q. OWNER OF ORIGINAL DRAWINGS, DOCUMENTS, AND OTHER INFORMATION

The City will be the owner of all original drawings, documents, and digital information. All digital and or computer generated drawings shall be the property of the City and a copy shall be submitted to the City on a CD-RW disk.

R. PROJECT SCHEDULE

The Consultant shall prepare a project schedule and provide hard copies for reports and staff usage. The project schedule shall be updated regularly and handed out during the PDT meetings.

The project schedule shall be divided into tasks and subtasks in full detail showing their critical path for expeditious project completion. The schedule shall include, but is not limited to, planning, right-of-way acquisition, environmental clearance, permitting, design, advertising, construction, and any other applicable tasks. All the required time for project reviews and processing and associated agency and utility contacts and coordination shall be shown. Critical task items such as permit applications, environmental, City Council meetings, appraisals, negotiations, utility noticing, notices to proceed, notice of completion, as-built plan preparation, and GASB 34 documentation shall also be shown.

S. PROJECT MEETINGS

The Consultant shall be responsible to schedule all necessary project meetings, prepare the meeting agenda, send invitation letters to required attendees, attend and chair the meetings. At the conclusion of each meeting the Consultant shall prepare and distribute meeting minutes, within three (3) working days, to the satisfaction of the City Program Manager. The project meetings shall include, but not be limited to:

- 1. Pre-Design (kick-off) meeting to including all sub-consultants, affected utilities, City staff, funding staff and other interested parties to the work.
- 2. Set and facilitate Project Development Team (PDT) meetings on a monthly (or higher frequency if necessary) basis.
- 3. Conduct right-of-way status and coordination meetings.
- 4. Conduct meetings with property owners and schedule City staff participation as needed.
- 5. Conduct meetings with affected stakeholders, utility companies, and other agencies as needed.
- 6. Conduct field meetings with City staff, residents, and utility representatives as required over the course of design.
- 7. The Consultant shall facilitate the bidding process and assure that all Federal, State and local contracting laws have been met.

V. CONSULTANT'S PROPOSAL AND COMPENSATION

The Consultant's Proposal shall be no more than 30 pages. The page limits exclude a cover letter of up to two pages, resumes up to two pages per person, dividers, certificates, and appendices. Resumes, billing rates, project schedule, resource matrix, certificates, and

other required forms shall be attached in the appendices. Proposals failing to provide sufficient information and assurances of performance to accurately assess each category of the required services and failing to comply with requirements and conditions of the Request for Proposal will not be given further consideration.

At a minimum, the Proposal shall include the following sections:

- A. **Project Understanding:** This section should clearly convey clear understanding of the nature of the work, identification of major project issues, and proposed solutions thereof, from both the Consultant and the sub-consultants (consultant team).
- B. **Approach and Management Plan:** This section provides the consultant team's proposed approach and management plan for providing services. Include an organization chart showing proposed relationship among consultant team/staff as well as any other parties that may have significant role in the delivery of this project.
- C. Qualifications and Experience: Provide qualifications and experience of the team for this project. Emphasize the specific qualifications and experience from projects similar to this project for the key team members including references. Identify and provide in-depth information for the proposed project manager's qualifications, track record and relevant experience.
- D. **Staffing Plan:** Discuss staffing plan, the workload, both current and anticipated, for all key team members, and their capacity to perform the requested services according to the proposed schedule. Discuss the firm/team's approach for completing the services required for this project within budget and schedule.
- E. Work Plan and Schedule: Include a description of how each task of the project will be conducted, identification of deliverables for each task and implementation schedule. The work plan should include sufficient detail to demonstrate a clear understanding of the project. Discuss the consultant team's approach for completing the project.
- F. **Quality Control and Assurance:** Discuss QA/QC proposed for each phase/deliverable for this project, including various independent plan check reviews and 95% plan biddability/constructability/claims avoidance reviews.
- G. **Additional Relevant Information:** Provide additional relevant information that may be helpful in the selection process (not to exceed two pages).

The Consultant's Proposal shall include the following statements:

- 1. A statement that this Request for Proposal shall be incorporated in its entirety as a part of the Consultant's Proposal.
- 2. A statement that this Request for Proposal and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley.

- A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."
- 4. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this Request for Proposal for Professional Consultant Services.
- 5. A statement of qualifications applicable to this project including the names, qualifications and proposed duties of the Consultant's Staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, telephone numbers and email addresses of the appropriate persons whom the City could contact. If one or more of the Consultant's staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.
- 6. A resource allocation matrix *must* be submitted with the Proposal. The resource allocation matrix must list detailed tasks in rows and the appropriate individual (Job Title Only) as well as the number of hours that these individuals will be working on each task listed, will be included in adjacent columns. The resource allocation matrix and the project design schedule are required of both the primary consultant, as well as any subconsultant. Failure to do so will result in the Consultant's Proposal being deemed incomplete and it will not receive further consideration. The Title Reports shall be a separate line item under the right-of-way task.

The resource allocation matrix, in addition to any tasks the Consultant chooses to list, shall include but not be limited to meetings, Traffic Studies, Hydrology/Hydraulics Studies, Storm Water Pollution Prevention Plans, right-of-way investigations, As-Built Drawings, and GASB 34 documentation.

- 7. A rate schedule *must* be submitted with the Proposal. The rate schedule must list titles, names, roles, and hourly billing rates in rows. A statement that said hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred shall also be included. All extra work will require prior approval from the City.
- 8. A statement of sub-consultant's (include relief personnel) qualifications applicable to this project including the names, qualifications and proposed duties of the sub-consultant's staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, and telephone numbers of the appropriate persons whom the City could contact.

A statement that the Consultant acknowledges and understands that the Consultant will not be allowed to change the sub-consultant without written permission from the City.

- 9. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.
- 10. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.
- 11. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.
- 12. A copy of the Consultant's hourly rate schedule and a statement that said hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. An itemized cost breakdown for the work described herein must be submitted in a separate sealed envelope as part of the Proposal submittal. All extra work will require prior approval from the City.
- 13. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
- 14. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state or local laws or regulations the strictest shall be adhered to.
- 15. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.
- 16. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.
- 17. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.

- 18. A statement that the Consultant offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Sec. 15) or under the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgment by the parties.
- 19. Complete "Disclosure of Lobbying Activities" (Form LLL see attached).
- 20. Complete List of Subconsultants

VI. GENERAL COMPLIANCE WITH LAWS AND WAGE RATES

The Consultant shall be required to comply with all federal, state, and local laws and ordinances applicable to the work. This includes compliance with prevailing wage rates and their payment in accordance with California Labor Code, Section 1775.

The Consultant is required to submit certified payrolls weekly. This applies to all applicable field personnel working on the project. In accordance with Section 1771.5 (b) (5) of the California Labor Code, the City will withhold payments when the payroll records are delinquent or inadequate.

VII. FEDERAL EMPLOYEE BENEFIT

No member of, or delegate to, the Congress of the United States, and no Resident Commissioner shall be admitted to any share or part of the Agreement to the said project or to any benefit to arise from the same.

The Consultant shall complete and include the "Certification for Contracts, Grants, Loans, and Cooperative Agreements" and "Disclosure of Lobbying Activities" forms (attached) with the Proposal.

VIII. PAYMENT TO CONSULTANT

- A. This work is to be performed for a "Not-to-Exceed Fee."
- B. The Consultant shall provide a "Project Fee Schedule" indicating the fee for individual tasks with a "Not-to-Exceed Fee" which shall be the sum of all tasks by part and phase.
- C. Tasks shall include, but not be limited to, all Professional Consultant Services necessary to complete the work covered by this Proposal.
- D. The Consultant will submit an invoice (identify job title, hourly rate, and total costs incurred) to the City once a month for payments along with documentation evidencing hours worked to date. The payment is based on actual time expended in furnishing authorized professional services during the preceding calendar month

and must include an hourly cost breakdown of the assigned project account numbers. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's determination of the amount due for any payment shall be final.

- E. Reimbursement costs such as mileage, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fee."
- F. All tasks including labor and reimbursable costs such as printing, postage, and delivery shall have supporting documentation presented at the time payment is requested.
- G. The City will pay the Consultant for all acceptable services rendered in accordance with the "Agreement for Professional Consultant Services."
- H. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Agreement for Professional Consultant Services," an "Amendment to the Agreement" will be executed between the City and Consultant.
- I. The Consultant shall receive no compensation for any re-work necessary as result of the Consultant's errors or oversight.

IX. INSURANCE

- A. The Consultant shall provide Errors and Omissions Professional Insurance. Such coverage limits shall not be less than \$1,000,000 per claim and aggregate.
- B. The Consultant shall have Public Liability and Property Damage Insurance in the amounts as follows:

GENERAL LIABILITY

Bodily Injury \$1,000,000 per occurrence Property Damage \$500,000 per occurrence

A combined single limit policy with aggregate limits in the amount of \$2,000,000 will be considered equivalent to the above minimum limits.

- C. The Consultant shall have Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment in the amount of not less than \$1,000,000.
- D. The Consultant shall have Workers' Compensation Insurance in the amounts as will fully comply with the laws of the State of California.
- E. A Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

"Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Moreno Valley Housing Authority, and the

Moreno Valley Community Services District, its officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Moreno Valley Housing Authority, and the Moreno Valley Community Services District, its officers and employees and agents, under any third party liability policy."

- F. Insurance companies providing insurance hereunder shall be rated (A minus: VII Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.
- G. The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverage's nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the Agency, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amount established.
- H. It is the consultant's responsibility to ensure that all subconsultants comply with the following: Each subconsultant that encroaches within the City's right-of-way and affects (i.e., damages or impacts) City infrastructure must comply with the liability insurance requirements of the City's Capital Projects Division. Examples of such subconsultant work include soil sample borings, utility potholing, etc.

The "Application for Encroachment Permit" form (four pages), including "Application for Encroachment Permit Liability Insurance Requirements," is available in the Capital Projects Division and must be completed and submitted in full to the City. It is the Consultant's responsibility to ensure that all subconsultants submit the appropriate encroachment permit and insurance documentation at the same time that the Consultant's insurance documentation is submitted.

X. INDEMNIFICATION

- A. To the maximum extent allowable by law, the Consultant, when functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Moreno Valley Housing Authority, and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the negligence or willful misconduct of the City, MVHA, and CSD, their officers, agents or employees.
- B. The consultant, when not functioning in the capacity of a design professional,

agrees to indemnify, defend, and save the City, the Moreno Valley Housing Authority, and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, MVHA, and CSD, their officers, agents or employees.

C. The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, MVHA's and CSD's, employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, MVHA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents or employees.

XI. TERMINATION FOR CONVENIENCE OF THE CITY

The City reserves the right to terminate the "Agreement for Professional Consultant Services" for the "convenience of the City" at any time by giving ten (10) days written notice to the Consultant of such termination and specifying the effective date thereof. All finished or unfinished drawings, maps, documents, field notes and other materials produced and procured by the Consultant under the said aforementioned Agreement is, at the option of the City, City property and shall be delivered to the City by the Consultant within ten (10) working days from the date of such termination. The City will reimburse the Consultant for all acceptable work performed as set forth in the executed Agreement.

XII. INDEPENDENT CONTRACTOR

The Consultant's relationship to the City in the performance of the Consultant's services for this project is that of an independent Contractor. The personnel performing the said Services shall at all times be under the Consultant's exclusive direction and control and shall be employees of the Consultant and not employees of the City. The Consultant shall pay all wages, salaries and other amounts due his employees in connection with the performance of said work shall be responsible for all employee reports and obligations, including but not necessarily restricted to, social security, income tax withholding, unemployment compensation, and Workers' Compensation.

XIII. CONTRACT

The Contract includes the Agreement for Professional Consultant Services, City's Request

for Proposal, Consultant's Proposal, and Exhibits.

The Political Reform Act and the City's Conflict of Interest Code require that consultants be considered as potential filers of Statements of Economic Interest. Consultants, as defined by Section 18701, may be required to file an Economic Interest Statement (Form 700) within 30 days of signing a Consultant Agreement with the City, on an annual basis thereafter if the contract is still in place, and within 30 days of completion of the contract.

XIV. GENERAL CONDITIONS

A. Pre-contractual expenses are defined as expenses incurred by the Consultant in: (1) preparing the Proposal; (2) submitting the Proposal to the City; (3) presentation during selection interview; (4) negotiating with the City any matter related to this Proposal; (5) any other expenses incurred by the Consultant prior to an executed Agreement.

The City shall not, in any event, be liable for any pre-contractual expenses incurred by the Consultant.

- B. The City reserves the right to withdraw this RFP at any time without prior notice. Further, the City makes no representations that any Agreement will be awarded to any Consultant responding to this RFP. The City expressly reserves the right to postpone reviewing the Proposal for its own convenience and to reject any and all Proposals responding to this RFP without indicating any reasons for such rejection(s).
- C. The City reserves the right to reject any or all Proposals submitted. Any Contract awarded for these Consultant engagements will be made to the Consultant who, in the opinion of the City, is best qualified.

XV. SELECTION CRITERIA

The Proposals will be rated/ranked according to the following criteria:

- 1. The Firm's General Experience and Qualification Information (10 points) Information about the company (and all sub-Consultants) including professional licenses held; ability to furnish required insurance and meet stipulations of the City's "boiler plate" agreement; details about comparable projects completed by the firm, as well as local experience; and its ability to provide the required services in an efficient and expeditious manner.
- 2. Experience of Key Personnel (25 points) Background on key personnel (including all sub-consultants) qualifications, abilities, familiarity with state and federal procedures, local experience on comparable projects and length of service with the firm, reference information preferably with municipal agencies.
- 3. Project Approach/Understanding (65 points) Understanding of project, discussion of major issues identified on the project and how the Consultant team plans to address them; the management approach and organization

necessary to complete the specific project; and outline quality control measures to ensure delivery of a quality product on time, within budget that provides a cost efficient, timely and predictable execution of the project construction.

XVI. ATTACHMENTS

The following documents are attached to this RFP for reference/execution:

- 1. City Standard Consultant Agreement
- 2. Supplementary General Conditions to the Agreement
- 3. Disclosure of Lobbying Activities (Form LLL)
- 4. List of Sub-consultants

- END OF RFP -

Revised 10/9/2014

 $w:\capproj\c$

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and _______, a (California corporation, partnership, sole ownership) hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the professional work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "A" (City's Request for Proposal) and Exhibit "B" (Consultant's Proposal) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project, and hereby represents that it desires to and is professionally and legally capable of performing the services called for by this Agreement;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

DESCRIPTION OF PROJECT

1.	The Project is described as
Project No.	
	SCOPE OF SERVICES
2.	The Consultant's scope of service is described on Exhibit "B" attached hereto
and incorpo	rated herein by this reference. In the event of a conflict, the City's Request for
Proposal sha	all take precedence over the Consultant's Proposal.
3.	The City's responsibility is described on Exhibit "C" attached hereto and
incorporated	I herein by this reference.
	PAYMENT TERMS
4.	The City agrees to pay the Consultant and the Consultant agrees to receive a
"Not-to-Exce	eed" fee of \$ in accordance with the payment terms provided on Exhibi
"D" attached	I hereto and incorporated herein by this reference.
	TIME FOR PERFORMANCE
5.	The Consultant shall commence services upon receipt of written direction to
proceed from	n the City.
6.	The Consultant shall perform the work described on Exhibit "A" in accordance
with the sch	edule set forth in Exhibit "" attached hereto and incorporated by this reference.
	Or
The Consul	tant shall perform the work described on Exhibit "A" in accordance with the
design/cons	truction schedule as stated in the Notice to Proceed.
7.	This Agreement shall be effective from effective date and shall continue in ful
force and e	ffect date through, subject to any earlier termination in accordance
with this Aa	reement. The services of Consultant shall be completed in a sequence assuring

expeditious completion, but in any event, all such services shall be completed prior to expiration of this Agreement.

- 8. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.
- (b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

- 9. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.
- 10. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.
- 11. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement.
- 12. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.
- 13. To the extent required by controlling federal, state and local law, Consultant shall not employ discriminatory practices in the provision of services, employment of personnel, or in

any other respect on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era. Subject to the foregoing and during the performance of this Agreement, Consultant agrees as follows:

- (a) Consultant will comply with all applicable laws and regulations providing that no person shall, on the grounds of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity made possible by or resulting from this Agreement.
- (b) Consultant will not discriminate against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era. Consultant shall ensure that applicants are employed, and the employees are treated during employment, without regard to their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era. Such requirement shall apply to Consultant's employment practices including, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provision of this nondiscrimination clause.

- (c) Consultant will, in all solicitations or advertisements for employees placed by or on behalf of Consultant in pursuit hereof, state that all qualified applicants will receive consideration for employment without regard to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era.
- (d) If Consultant should subcontract all or any portion of the services to be performed under this Agreement, Consultant shall cause each subcontractor to also comply with the requirements of this Section 13.
- 14. To the furthest extent allowed by law (including California Civil Code section 2782.8 if applicable), Consultant shall indemnify, hold harmless and defend the City, the Moreno Valley Community Services District ("CSD"), the Moreno Valley Housing Authority ("Housing Authority") and each of their officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage), and from any and all claims, demands and actions in law or equity (including reasonable attorney's fees and litigation expenses) that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of Consultant, its principals, officers, employees, agents or volunteers in the performance of this Agreement.

If Consultant should subcontract all or any portion of the services to be performed under this Agreement, Consultant shall require each subcontractor to indemnify, hold harmless and defend City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers in accordance with the terms of the preceding paragraph.

This section shall survive termination or expiration of this Agreement.

15. Insurance.

- (a) Throughout the life of this Agreement, Consultant shall pay for and maintain in full force and effect all insurance as required in **Exhibit E** or as may be authorized in writing by the City Manager or his/her designee at any time and in his/her sole discretion.
- (b) If at any time during the life of the Agreement or any extension, Consultant or any of its subcontractors fail to maintain any required insurance in full force and effect, all services and work under this Agreement shall be discontinued immediately, and all payments due or that become due to Consultant shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Agreement. No action taken by City pursuant to this section shall in any way relieve Consultant of its responsibilities under this Agreement. The phrase "fail to maintain any required insurance" shall include, without limitation, notification received by City that an insurer has commenced proceedings, or has had proceedings commenced against it, indicating that the insurer is insolvent.
- (c) The fact that insurance is obtained by Consultant shall not be deemed to release or diminish the liability of Consultant, including, without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify City shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Consultant. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Consultant, its principals, officers, agents, employees, persons under the supervision of Consultant, vendors, suppliers, invitees, consultants, sub-consultants, subcontractors, or anyone employed directly or indirectly by any of them.

- (d) Upon request of City, Consultant shall immediately furnish City with a complete copy of any insurance policy required under this Agreement, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Agreement.
- (e) If Consultant should subcontract all or any portion of the services to be performed under this Agreement, Consultant shall require each subcontractor to provide insurance protection in favor of City and each of its officers, officials, employees, agents and volunteers in accordance with the terms of this section, except that any required certificates and applicable endorsements shall be on file with Consultant and City prior to the commencement of any services by the subcontractor.
- 16. The waiver by either party of a breach by the other of any provision of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement. No provisions of this Agreement may be waived unless in writing and signed by all parties to this Agreement. Waiver of any one provision herein shall not be deemed to be a waiver of any other provision herein.
- 17. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.
- 18. (a) The Consultant shall deliver to the _____ (Example: Public Works Director/City Engineer of the City or his designated representative), fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.
- (b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

- (c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.
- 19. (a) This Agreement shall terminate without any liability of City to Consultant upon the earlier of: (i) Consultant's filing for protection under the federal bankruptcy laws, or any bankruptcy petition or petition for receiver commenced by a third party against Consultant; (ii) 10 calendar days prior written notice with or without cause by City to Consultant; (iii) City's non-appropriation of funds sufficient to meet its obligations hereunder during any City fiscal year of this Agreement, or insufficient funding for the Project; or (iv) expiration of this Agreement. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Consultant shall not be paid for any work or services performed or costs incurred which reasonably could have been avoided.
- (b) In the event of termination due to failure of Consultant to satisfactorily perform in accordance with the terms of this Agreement, City may withhold an amount that would otherwise be payable as an offset to, but not in excess of, City's damages caused by such failure. In no event shall any payment by City pursuant to this Agreement constitute a waiver by City of any breach of this Agreement which may then exist on the part of Consultant, nor

shall such payment impair or prejudice any remedy available to City with respect to the breach.

- (c) Upon any breach of this Agreement by Consultant, City may (i) exercise any right, remedy (in contract, law or equity), or privilege which may be available to it under applicable laws of the State of California or any other applicable law; (ii) proceed by appropriate court action to enforce the terms of the Agreement; and/or (iii) recover all direct, indirect, consequential, economic and incidental damages for the breach of the Agreement. If it is determined that City improperly terminated this Agreement for default, such termination shall be deemed a termination for convenience.
- (d) Consultant shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of Consultant and without its fault or negligence such as, acts of God or the public enemy, acts of City in its contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. Consultant shall notify City in writing as soon as it is reasonably possible after the commencement of any excusable delay, setting forth the full particulars in connection therewith, and shall remedy such occurrence with all reasonable dispatch, and shall promptly give written notice to Administrator of the cessation of such occurrence.
- 20. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.
- 21. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant,

and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

- 22. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.
- 23. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.
- 24. The City and the Consultant agree, that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.
- 25. (a) Consultant shall comply, and require its subcontractors to comply, with all applicable (i) professional canons and requirements governing avoidance of impermissible client conflicts; and (ii) federal, state and local conflict of interest laws and regulations including, without limitation, California Government Code Section 1090 et. seq., the California Political Reform Act (California Government Code Section 87100 et. seq.) and the regulations of the Fair Political Practices Commission concerning disclosure and disqualification (2)

California Code of Regulations Section 18700 et. seq.). At any time, upon written request of City, Consultant shall provide a written opinion of its legal counsel and that of any subcontractor that, after a due diligent inquiry, Consultant and the respective subcontractor(s) are in full compliance with all laws and regulations. Consultant shall take, and require its subcontractors to take, reasonable steps to avoid any appearance of a conflict of interest. Upon discovery of any facts giving rise to the appearance of a conflict of interest, Consultant shall immediately notify City of these facts in writing.

- (b) In performing the work or services to be provided hereunder, Consultant shall not employ or retain the services of any person while such person either is employed by City or is a member of any City council, commission, board, committee, or similar City body. This requirement may be waived in writing by the City Manager, if no actual or potential conflict is involved.
- (c) Consultant represents and warrants that it has not paid or agreed to pay any compensation, contingent or otherwise, direct or indirect, to solicit or procure this Agreement or any rights/benefits hereunder.
- (d) Neither Consultant, nor any of Consultant's subcontractors performing any services on this Project, shall bid for, assist anyone in the preparation of a bid for, or perform any services pursuant to, any other contract in connection with this Project unless fully disclosed to and approved by the City Manager, in advance and in writing. Consultant and any of its subcontractors shall have no interest, direct or indirect, in any other contract with a third party in connection with this Project unless such interest is in accordance with all applicable law and fully disclosed to and approved by the City Manager, in advance and in writing. Notwithstanding any approval given by the City Manager under this provision, Consultant shall remain responsible for complying with Section 25(a), above.

(e) If Consultant should subcontract all or any portion of the work to be performed or services to be provided under this Agreement, Consultant shall include the provisions of this Section 25 in each subcontract and require its subcontractors to comply

therewith.

(f) This Section 25 shall survive expiration or termination of this Agreement.

26. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be

entitled, at its own expense, to make copies thereof for its own use.

27. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement. Venue shall be vested in the Superior Court of the State of California, County of Riverside.

SIGNATURE PAGE FOLLOWS

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

City of Moreno Valley	Insert Contractor/Consultant Nam	ne
Chief Financial Officer /City Manager/Mayor (Select only one please)	BY: Name: TITLE: (President or Vice President)	
Date	Date	
INTERNAL USE ONLY		BY:
ST:		
City Clerk (only needed if Mayor signs)	Name:	
	TITLE:	_
	(Corporate Secretary)	
City Attorney		
Date DMMENDED FOR APPROVAL:	Date	
Department Head (if contract exceeds 15,000) Date		
	Chief Financial Officer /City Manager/Mayor (Select only one please) Date INTERNAL USE ONLY ST: City Clerk (only needed if Mayor signs) ROVED AS TO LEGAL FORM: City Attorney Date Date DMMENDED FOR APPROVAL: Department Head (if contract exceeds 15,000)	Chief Financial Officer /City Manager/Mayor (Select only one please) Date Date Date City Clerk (only needed if Mayor signs) ROVED AS TO LEGAL FORM: City Attorney Date Date Date Date Name: (Corporate Secretary) Date Date Date

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

- 1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
- 2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
- 3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT C

TERMS OF PAYMENT

4		
1.	The Consultant's compensation shall not exceed \$	

- 2. The Consultant will obtain, and keep current during the term of this Agreement, the required City of Moreno Valley business license. Proof of a current City of Moreno Valley business license will be required prior to any payments by the City. Any invoice not paid because the proof of a current City of Moreno Valley business license has not been provided will not incur any fees, late charges, or other penalties. Complete instructions for obtaining a City of Moreno Valley business license are located at: http://www.moval.org/do biz/biz-license.shtml
- 3. The Consultant will electronically submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time and materials expended in furnishing authorized professional services during the preceding calendar month. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final. The consultant will submit all original invoices to Accounts Payable staff at Accounts Payable staff at AccountsPayable@moval.org

Accounts Payable questions can be directed to (951) 413-3073.

Copies of invoices may be submitted to the ______ Department at <email address>@moval.org or calls directed to (951) 413-????.

4. The Consultant agrees that City payments will be received via Automated Clearing House (ACH) Direct Deposit and that the required ACH Authorization form will be completed prior to any payments by the City. Any invoice not paid

because the completed ACH Authorization Form has not been provided will not incur any fees, late charges, or other penalties. The ACH Authorization Form is located at:

http://www.moval.org/city_hall/forms.shtml#bf

- 5. The minimum information required on all invoices is:
 - A. Vendor Name, Mailing Address, and Phone Number
 - B. Invoice Date
 - C. Vendor Invoice Number
 - D. City-provided Reference Number (e.g. Project, Activity)
 - E. Detailed work hours by class title (e.g. Manager, Technician, or Specialist), services performed and rates, explicit portion of a contract amount, or detailed billing information that is sufficient to justify the invoice amount; single, lump amounts without detail are not acceptable.
- 6. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.

INSURANCE REQUIREMENTS

Minimum Scope of Insurance

Coverage shall be at least as broad as:

- 1. The most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01, which shall include insurance for "bodily injury," "property damage" and "personal and advertising injury" with coverage for premises and operations, products and completed operations, and contractual liability.
- 2. The most current version of Insurance Service Office (ISO) Business Auto Coverage Form CA 00 01, which shall include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1- Any Auto).
- 3. Workers' Compensation insurance as required by the California Labor Code and Employer's Liability Insurance.
- 4. Professional Liability (Errors and Omissions) insurance appropriate to Consultant's profession.

Minimum Limits of Insurance

Consultant shall maintain limits of liability of not less than:

- 1. General Liability:
 - \$1,000,000 per occurrence for bodily injury and property damage
 - \$1,000,000 per occurrence for personal and advertising injury
 - \$2,000,000 aggregate for products and completed operations
 - \$2,000,000 general aggregate
- 2. Automobile Liability:
 - \$1,000,000 per accident for bodily injury and property damage
- 3. Employer's Liability:
 - \$1,000,000 each accident for bodily injury
 - \$1,000,000 disease each employee
 - \$1,000,000 disease policy limit

4. Professional Liability (Errors and Omissions):

\$1,000,000 per claim/occurrence \$2,000,000 policy aggregate

Umbrella or Excess Insurance

In the event Consultant purchases an Umbrella or Excess insurance policy(ies) to meet the "Minimum Limits of Insurance," this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies).

Deductibles and Self-Insured Retentions

Consultant shall be responsible for payment of any deductibles contained in any insurance policy(ies) required hereunder and Consultant shall also be responsible for payment of any self-insured retentions. Any deductibles or self-insured retentions must be declared to, and approved by, the City Manager or his/her designee. At the option of the City Manager or his/her designee, either (i) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers; or (ii) Consultant shall provide a financial guarantee, satisfactory to the City Manager or his/her designee, guaranteeing payment of losses and related investigations, claim administration and defense expenses. At no time shall City be responsible for the payment of any deductibles or self-insured retentions.

Other Insurance Provisions

<u>The General Liability and Automobile Liability insurance policies</u> are to contain, or be endorsed to contain, the following provisions:

- 1. City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers are to be covered as additional insureds.
- 2. The coverage shall contain no special limitations on the scope of protection afforded to City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers.
- 3. Consultant's insurance coverage shall be primary and no contribution shall be required of City.

<u>The Workers' Compensation insurance policy</u> is to contain, or be endorsed to contain, the following provision: Consultant and its insurer shall waive any right of subrogation against City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers.

If the Professional Liability (Errors and Omissions) insurance policy is written on a claimsmade form:

- 1. The retroactive date must be shown, and must be before the effective date of the Agreement or the commencement of work by Consultant.
- 2. Insurance must be maintained and evidence of insurance must be provided for at least 3 years after any expiration or termination of the Agreement or, in the alternative, the policy shall be endorsed to provide not less than a 3-year discovery period.
- 3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the effective date of the Agreement or the commencement of work by Consultant, Consultant must purchase extended reporting coverage for a minimum of 3 years following the expiration or termination of the Agreement.
- 4. A copy of the claims reporting requirements must be submitted to City for review.
- 5. These requirements shall survive expiration or termination of the Agreement.

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

Acceptability of Insurers

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

Verification of Coverage

Consultant shall furnish City with all certificate(s) and **applicable endorsements** effecting coverage required hereunder. All certificates and **applicable endorsements** are to be received and approved by the City Manager or his/her designee prior to City's execution of the Agreement and before work commences.

EXHIBIT B



Proposal for Professional Consultant Services

Edgemont Water System Replacement Project

Prepared for



Amended January 12, 2015





OFFICE LOCATIONS



Riverside Murrieta Palm Desert

FIRM OVERVIEW

Albert A. Webb Associates (WEBB) has consistently provided civil engineering services to public sector clients throughout southern California since 1945. This means that our clients receive the benefit of a financially stable firm that has withstood many diverse economic times. WEBB is a mid-size consulting firm with offices in Riverside, Palm Desert, and Murrieta to best meet the needs of all of our clients. WEBB has over 150 associates, a third of our associates have over 10 years with the firm and the in-house expertise to address the needs of cities, water and special districts, counties, regional agencies, and our partner firms within the industry. WEBB offers a broad range of services to meet the objectives of our clients which includes project development, planning, design, entitlement, funding, permitting, construction management, and inspection. WEBB is organized into the following departments managed by a director specializing in the discipline.

- Municipal Engineering
- Stormwater Engineering
- Planning and Environmental
- Traffic and Transportation
- Land Survey & Mapping
- · Land Development
- Construction Management and Inspection
- Municipal Finance
- Landscape Architecture

Our multiple in-house services allows WEBB to meet the needs of our clients with supplemental support from



Corporate Headquarters

3788 McCray Street Riverside, CA 92506 T: 951.686.1070

Palm Desert Office

36-951 Cook Street #103 Palm Desert, CA 92211 T: 760.568.5005

Murrieta Office

41391 Kalmia Street #320 Murrieta, CA 92562 T: 951.686.1070 January 12, 2015

City of Moreno Valley Capital Projects Division 14177 Frederick Street Moreno Valley, CA 92552

Attn: Quang Nguyen, Senior Engineer, P.E.

Dear Mr. Nguyen:

Albert A. Webb Associates (WEBB) has assembled an experienced project team to provide professional consultant services for the Edgemont Water System Replacement Project. The City of Moreno Valley (City) needs an experienced consultant to take lead of the project management from start to finish with minimum supervision to replace the existing 50-year old deteriorating water distribution system that is supplied by Well No.17 and a connection to the Western Municipal Water District (WMWD), owned and operated by the Box Springs Mutual Water Company (BSMWC). WEBB has been delivering solutions to our clients, including WMWD, EMWD, and Edgemont Community Services District (ECSD) for over 68 years. We are confident that our project team has the technical expertise, resources, knowledge, relationships, and most important, the commitment to complete your project on time and within budget.

CRITICAL ISSUES

Our team has identified the following critical issues for the successful completion of this project:

- Position project to win future grants
- Comply with project schedule for current grant
- Determine appropriate phasing and operable segments
- Identify revenue generation opportunities
- Design system improvements acceptable to WMWD
- Determine cost effective water supply

DIFFERENTIATORS

In selecting the right consultant, the City should know what makes WEBB the absolute right choice for this project. With the collaboration of our team and the City, this project in particular will reap the following benefits:

- WEBB has been working on this project since 2007
- All key team members will continue on this project
- WEBB has a long standing relationship with Edgemont CSD, WMWD, and EMWD
- WEBB has designed almost all WMWD CIP projects
- WEBB has analyzed options for water supply
- WEBB is ready to start preliminary design



PROJECT TEAM

Bill Malone, PE, PMP, has extensive water systems experience in planning, design, and construction that will enable him to serve as WEBB's Project Manager. Bill has over 25 years experience and is a certified Project Management Professional responsible for multiple large scale public works projects for public agencies throughout the Inland Southern California.

Bruce Davis, PE, has managed hundreds of projects in the region over the past 25 years. Bruce's experience on many large multi-disciplinary projects has trained him to look forward to identify and prevent potential delay-causing issues.

Brad Sackett, PE, has successfully managed a number of water system improvement projects that involved multiple stakeholders requiring extensive collaboration. Brad has long term relationships with WMWD.

As you can see, WEBB is very excited to have the opportunity to continue work with the City on the Edgemont Water System Replacement Project. We are committed to providing the highest quality assistance possible to the City and look forward to the opportunity to discuss our proposal and answer any questions you might have. I can be reached at (951) 686-1070.

Thank you very much for considering WEBB to be part of your project.

Sincerely,

Bruce Davis, PE, Prinicipal-in-Charge

Senior Vice President

bruce.davis@webbassociates.com

Albert A. Webb Associates

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APPENDICES

- 1. RESUMES
- 2. SUBCONSULTANT QUALIFICATIONS
- 3. ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL

Corporate Headquarters

3788 McCray Street

Riverside, CA 92506

A. PROJECT UNDERSTANDING

WEBB reviewed the City's RFP, the requested Scope of Work, and the required deliverables for the project. Our project team reviewed the project site to refresh our understanding of the current status of the project and evaluated the project design, potential utilities, present land use, and corresponding construction requirements for the City's project. The CEQA compliance requirements for Proposition 84 funding have been reviewed by WEBB's Planning & Environmental Services Department. The City is seeking a qualified professional engineering consultant to provide comprehensive design, bidding, and construction support services for the Edgemont Water System Replacement Project.

WEBB prepared the majority of the background information provided as part of the RFP. WEBB will utilize the same key staff involved in the creation of the prior work products and maintain the institutional knowledge of the project. This will allow our team to commence work immediately (i.e., without a learning curve) and move forward on the next phases of the project. Our team will minimize the City's effort to bring another team up to speed.

Key challenges and the basis for the planned improvements in the Edgemont area, currently served by the Box Springs Mutual Water Company (BSMWC), consist of the following:

- BSMWC water system is aging and deteriorated
- BSMWC water supply well has high nitrates requiring blending prior to use
- BSMWC water system lacks the capability to deliver required fire flow
- BSMWC lacks the financial means to fund improvements
- Pipeline locations and depths have been interfering with public capital improvements and preventing private development from occurring within the community
- A completed and transferable water system is required for WMWD to operate and maintain the system and ultimately take over ownership
- The system must meet existing and future water demands
- The community currently lacks the funding and financing to complete the project

On behalf of the City and the United States Environmental Protection Agency (USEPA), WEBB prepared an initial study/ environmental assessment (IS/EA) for the Edgemont Water Master Plan Update (EWMPU). The project/federal action evaluated in that document included all of the water facilities needed for the future water system. The City adopted a mitigated negative declaration (MND) and approved the EMWPU on January 26, 2010. The USEPA prepared a Finding Of No Significant Impact (FONSI). Therefore, no additional CEQA analysis is required to construct the master plan water facilities.

Although no futher CEQA analysis is required to construct facilities identified in the EWMPU, the biological and cultural resources assessments prepared as part of the IS/EA must be updated and Native American Tribes notified of the project to receive Proposition 84 funding. The Department of Water Resources (DWR) recommends lead agencies follow the tribal consultation process identified by the Office of Planning and Research (OPR) for General Plans and Specific Plans combined with the formal notification required by Public Resources Code Section 75102 to meet the Native American Tribe Notification requirement of Proposition 84. Because technical studies must be updated and the IS/EA did not include the transference of the water system from BSMWC to WMWD, WEBB recommends an addendum to the MND adopted in 2010 be prepared. Since no NEPA lead agency has been identified, the updated environmental documentation and supporting technical studies for biological and cultural resources will be prepared to comply with the general requirements of NEPA.

CRITICAL ISSUES

WEBB's understanding of critical issues needing to be addressed along with our approach to each is as follows:

Position Project to Win Future Grants

Neither the City nor BSMWC has the funding to replace the existing system. However, grant funding is available for disadvantaged communities, as well as various water projects. We understand the City is tracking various funding opportunities including California Department of Public Health, Cap and Trade, and Prop 1 Water Bond. The focus of this effort is to define the project, complete preliminary design, and obtain environmental clearances to enable this project to rank higher than other projects competing for available funds. WEBB will work closely with City staff and consultant(s) to provide exhibits, project information, preliminary design, and environmental clearances as required for grants being pursued.

Comply with Project Schedule For Current Grant

The City has obtained a Community Development Block Grant (CDBG) to fund the preliminary design phase (35%) of the project. The budget is limited to \$450,000. In order to proceed to the next phase and allow the City to commence seeking additional funding, the preliminary design must be completed by the end of April 2015 based upon contract award by the City in late January. The City requires adequate information and details on the project costs, project benefits, work plan, and construction phasing as a result of WEBB's preliminary design to move to the next phase in obtaining funding. The WEBB team has taken the budget and schedule restrictions into consideration to define our Scope of Work. The fact the assigned WEBB team is continuing from previous work on the project allows for efficient execution of this preliminary design phase by not spending valuable time and budget to go backwards and review the planned project in detail. WEBB is already working with the main stakeholders involved in the community and with vested interests in the project.

Having worked in the Edgemont area as District Engineer for the Edgemont Community Services District for over 60 years on the sewer system, WEBB knows the history of the community as well as the existing infrastructure facilities. Likewise, WEBB has had a similar relationship with WMWD over the same period and has a complete understanding of their requirements and standards.

The DWR-recommended Native American Tribal consultation process requires sending a request to the Native American Heritage Commission (NAHC) to identify the tribes to be notified. Once the notification information is received from the NAHC and the tribes are notified about the nature and location of the proposed project, the tribes have 90 days to request consultation with the City. Based on WEBB's experience, we anticipate that at least one tribe will request consultation with the City. In order for the City to be positioned to submit an IRWM grant application in May 2015, the tribal consultation process should begin no later than January 5, 2014. This will allow the results of the consultation to be incorporated in the CEQA Addendum by the end of April 2015.

Because the City is a permittee of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), if the results of the updated biological resources assessment identifies potential burrowing owl habitat, a focused burrow survey will be required. If the focused burrow survey identifies natural or man-made structures that could potentially support burrowing owls or if owls are observed, focused burrowing owl surveys are required. The protocol for the focused burrowing owl surveys requires field visits on four separate days between March 1 and August 31. If focused burrowing surveys are needed, they can be completed between March 1 and April 1, which will allow the results to be incorporated in the CEQA addendum by the end of April 2015.

Determine Appropriate Phasing and Operable Segments

It is unlikely the City can obtain all the funding needed to complete the project at one time. Therefore, the evaluation of various phasing alternatives of the new water system improvements and how they connect and work with the existing water system is paramount to the success of the project. WEBB specializes in serving water agencies throughout the Inland Southern California to help solve similar situations. WEBB has been involved in implementing many master water plans requiring complex phasing and sequencing and adjusting the plans as development progresses differently

than originally planned. System phasing also needs to correspond to development phasing. WEBB has included Land Advisors Organization (LAO) as part of our team. LAO are experts in market analysis. WEBB and LAO will work with the City to identify where development is expected to occur first and then customize our phasing plan accordingly.

The next step, once a potential phase of the water system is established, is to analyze the system hydraulics to determine if the fire flow system capabilities meet ultimate requirements for the new areas while maintaining fire flow capabilities for the unimproved area outside the first phase. This process will be repeated for each phase. Finally, the interconnections between the new and old system will be reviewed to make sure that all customers receive the required service with minimal interruption. Some new interconnections will probably be required in order to maintain the same level of service in the water system as portions of the pipeline system are upgrade. Pressure reducing valves may be required as part of the connection to avoid overpressuring the older remaining sections of pipelines. Having a solid phasing plan with some flexible alternatives in place will allow the City to move forward confidently as the funding is received.

Identify Revenue Generation Opportunities

The opportunity to generate additional revenue during the overall course of the project to help the City fund the required improvements can maintain project momentum. The BSMWC's greatest asset is the groundwater supply and with the ongoing drought in California and agencies seeking alternative water supplies to meet the shortfalls, this asset could potentially be a valuable way to generate additional revenue from a less expensive water supply or as a capital asset to move the project forward. Other potential revenue generating opportunities include establishment of connection fees or special tax districts, both of which can be funded by new development. WEBB has experience with these and other concepts which we will work with City staff to develop options at early stages of this project.

Design Water System Improvements Acceptable to WMWD

WEBB's working relationship with WMWD spans many decades, starting from the formation of WMWD as a water district. A key factor for the City's project is the acceptance of the water system by WMWD, an agency experienced in being the water purveyor. As far as the actual design standards and specifications for WMWD, WEBB has assisted in development of some of those requirements and is working daily in preparing water system improvement plans in conformance with the WMWD standards. WEBB's involvement will make preparing plans a seemless process in continuing this practice on behalf of the City. WEBB is aware that WMWD recently inherited similar water systems, the water system at MARB, the county water company water system in Murrieta, and the El Sobrante Water System in western Riverside. Each of these system acquisitions had different reasons but all have financially burdened WMWD due to disrepair similar to that of the current BSMWC water system. WMWD will be hesitant to assume responsibility and accept the BSMWC system based in its current condition without assurances that the system will not unduly burden its existing constituents. The City established a municipality owned utility that includes the authority of own and operate a water utility within city limits. WEBB will work with the City and WMWD to develope a cost effective transition plan.

Therefore, all new improvements must meet WMWD requirements and is the first step to WMWD accepting the water system. WEBB is knowledgeable about what is required and has a firm grasp of the issue. The second step will be to show WMWD that the system they are accepting into their water system will not cause an undue financial burden. At some point in the transfer process, it may be possible to include both new and existing infrastructure that will require WMWD acceptance. In our opinion, the focus of the WMWD concerns will be the financial liability associated with the existing infrastructure and future water supply. WEBB will work with the City to minimize these concerns by developing phasing plans and implementation strategies on the technical portion of the project that will not inhibit the acquisition process. WMWD will be included in discussions to ensure their main concerns with the proposed water system improvements are mitigated. Again, at some point of the water system transfer to WMWD for operation and maintenance, there may remain some possible concerns as the overall project is completed. An agreement on ownership, maintenance, and operation of the facilities will likely be required between the City and WMWD to alleviate WMWD concerns. WEBB will work to minimize the concerns to a reasonable level such that a transfer agreement can be executed between the City and WMWD.

Determine Cost Effective Water Supply

The current water supply for the BSMWC consists of two different water supply sources; 1) local groundwater, and 2) imported water from WMWD. Due to high nitrate levels, the existing BSMWC Well No. 17 requires blending with water from an existing interconnection with WMWD to meet the California Department of Drinking Water (CDDW) requirements. The groundwater supply has been reviewed by a geohydrologist in prior phases and is a sustainable source of supply for the existing and future customers in the Edgemont area. Groundwater resources are critical in the California drought relief plans and, as indicated previously, is a valuable asset. Determining how to best utilize this water supply resource available from BSMWC as a cost effective solution impacts several of the projects critical issues.

The WMWD water supply comes from the State Water Project and compared to the overall amount of water supplied by WMWD, the required supply for the Edgemont area is very minimal. The cost associated with affirming the WMWD supply may not only include additional commodity cost of the more expensive WMWD water supplied to customers, but may also include buying into WMWD existing water conveyance and storage systems at the time of connection. However having its own water supply could minimize or eliminate the required improvements to the BSMWC infrastructure by utilizing the WMWD system and also assist in WMWD acceptance of the system.

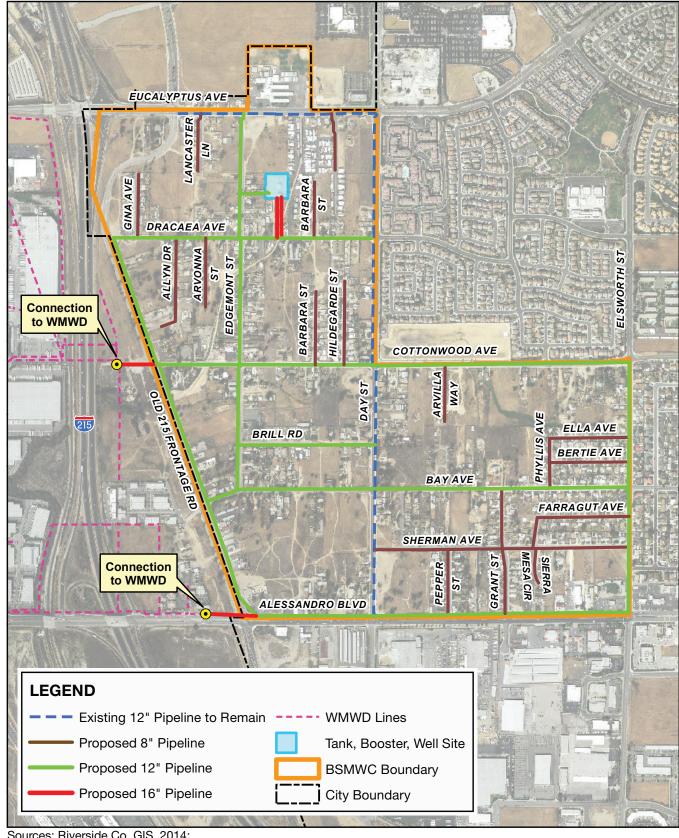
The BSMWC water well contains elevated levels of nitrates that hinders the 100 percent reliance as a source of a water supply as it exists today. Further, the existing well capacity is insufficient to provide the water supply needed for ultimate development requiring an additional well to be added to the system. Ion exchange treatment may be an option to treat the nitrate levels, however the removal systems are costly and typically require a brine line for disposal of the high nitrate and high TDS water. The well supply could continue to be blended with the water from WMWD which may minimize WMWD buy-in costs, but requires additional system wide improvements for storage and pumping. WEBB will analyze each

of these water supply options and in consideration of the other critical issues, recommend the most cost effective solution for the City for each phase and the overall project.

Currently, the City will fund the preliminary design (35%) for this project with the Community Development Block Grant (CDBG). With adequate data from the preliminary design, the City desires to prepare and apply for grants.

"Determining how to best utilize this water supply resource available from BSMWC as a cost effective solution impacts several of the projects critical issues."

Figure 1 highlights the proposed system that will be included in the 35% Preliminary Design package.



Sources: Riverside Co. GIS, 2014; WMWD 2010; Eagle Aerial, April 2012.

Figure 1 - Proposed System

Edgemont Water System Replacement Project





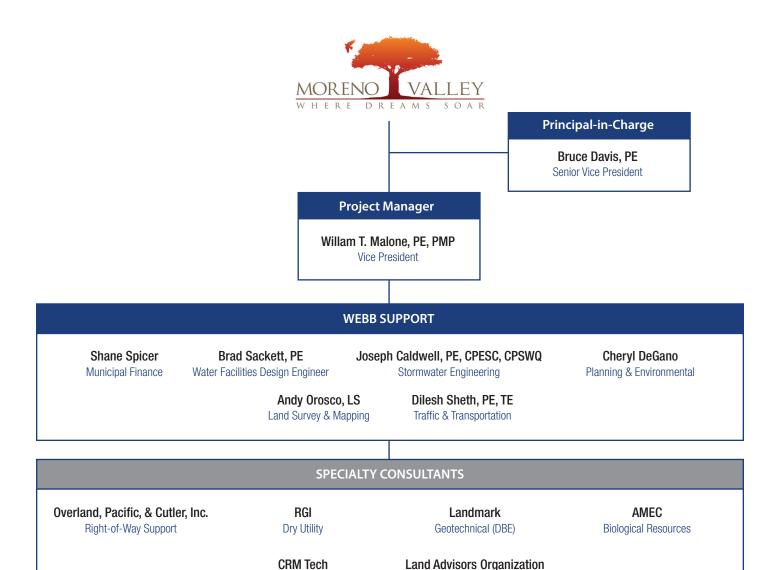
B. APPROACH AND MANAGEMENT PLAN

BASIC APPROACH

WEBB understands the City's project manager is responsible for multiple projects and is pulled in many directions. As a result, the City's project manager has minimal time to track and manage the many components of this complex project. Bruce Davis, PE and Bill Malone, PE, PMP, have worked with the City on this project for many years now. Bruce and Bill will team up with the City's project manager to deliver this project. Bruce will work closely with the City's project manager to ensure all reporting, coordination, and presentations are prepared and completed. Bruce will work closely with Bill to ensure the project remains on schedule. Bill will manage the WEBB team and details of delivering this project.

STAFFING CHART

Our project manager is well versed in the project requirements and concerns of the pipeline projects. When we receive a Request for Proposal (RFP), our principal-in-charge will determine the best team according to your project requirements to ensure the City has the optimal personnel working on your project. We have selected a project team including our subconsultants, that have worked together for many years. Our project experience will enable the team to seamlessly perform the required scope of services. Our team is assembled to take advantage of our water system design experience, as well as our working relationship with the City, WMWD, EMWD, ECSD, and BSMWC. The project staffing chart shows our roles and the lines of responsibility.



^{*}Refer to Appendix 2 for subconsultant qualifications

Land Research

Cultural Resources

MANAGEMENT PHILOSOPHY

WEBB understands the absolute need for strong project management. We recognize the critical issues associated with schedule, budget management, and communication. Communication and coordination between an engineering consultant and the City is paramount to each project. To guarantee continuous and effective communication, a project manager will be assigned to each project to serve as the primary point-of-contact to the City and a principal-in-charge will be monitoring the process as a whole. Due to the complexities of this project, as well as the tight schedule for Phase 1, our project manager and principal-in-charge will make it a priority to attend all meetings between the City and the project proponents. This will ensure a constant and effective way of communication resulting in expedited completion.

Responsiveness and Proximity

WEBB's office and team are approximately 15 minutes from the City and project site. Our team members are readily available for site visits, meetings, and other project needs. Our team will continue to provide our services to the City's project specifications, staying within the set budget and schedule parameters. We will maintain our flexibility in responding to the City's requests.

Our project management and delivery approach has two major elements: (1) use an experienced project management team with detailed experience of the project area, clear understanding of the City's facilities and preferences, and clearly defined responsibilities and proven management tools to deliver this complex project that meets the City's needs on budget and on schedule, and (2) have a detailed delivery plan that is understood and accepted by the City and consultant team, with deliverables completed on schedule for timely decision making.

Management Responsibilities and Procedures

As Principal-in-Charge, Bruce Davis, PE, will be the direct point-of-contact with the City's project manager for all contractual matters, focusing on resolving any critical contract issues as soon as they are identified. As a Senior Vice President with WEBB, Bruce has the authority to commit firm resources and will support WEBB's Project Manager in managing the overall scope, schedule, and budget. Bruce's experience on many large multi-disciplinary projects has trained him to look forward to identify and prevent potential delay-causing issues.

Bill Malone, PE, PMP, will serve as Project Manager and will be responsible for the day-to-day project and technical management of the project including:

- Facilitating frequent and consistent communications with the City
- Implementing the overall delivery plan
- · Managing the overall scope, schedule, and budget
- Implementing the QA/QC Program
- Overseeing the project controls staff for timely project management reports

The team project management and QA/QC plan will facilitate successful project execution. The management tools, procedures, and delivery plan are contained in a comprehensive Project Methodology Plan that is prepared at the beginning of the project and is updated throughout the project. Having a comprehensive and detailed Project Management Plan is essential for delivering a major design project with an integrated team consisting of the City, multiple stakeholders, multiple disciplines, and many deliverables. District input into the plan will be essential to make certain it is an effective tool, adequately used, and meets your needs. An outline of the Project Management Plan and some initial comments and items to be included, in addition to our detailed Communication Plan, are as follows:

Kick-Off Meeting - Initial Design Workshop

After project award and notice-to-proceed, our project team will conduct a Kick-Off Meeting and Initial Design Workshop with all members of the project team and key City staff. The workshop is structured to establish communication protocols for the project, as well as to identify critical success factors and processes, activities, and tasks that must be carried out to achieve the goals. The workshop is an important step to ensure all parties are focused on the same project goals and help clarify the critical path issues, key outside stakeholders, milestones, and third party approvals.

Scope Management

Our scope includes performing the major items requested in the City's RFP. A more detailed Work Breakdown Structure (WBS) is typically included in our fee budget proposal and will be utilized for the project duration with detailed tasks. With input from the City, the scope will be finalized and adopted for the overall project. During the execution of the project, the scope will be utilized as a baseline by our project manager, who will manage the scope and work product. If potential changes are identified as the project develops, our project manager will work with the City to clarify and approve any additional tasks necessary to complete the project.

Schedule Management

A preliminary schedule will be prepared, provided, and discussed. In collaboration with the City, the project schedule and milestones will be evaluated and modifications will be made to set the final baseline schedule during the initial project kick-off process. The baseline schedule will be monitored and tracked by our project manager to maintain the project milestones and manage critical path items. A tracking schedule will be provided with monthly updates and any schedule variances identified. Actions required to correct schedule deviations will be developed and implemented by the team. The project schedule is an effective management tool when developed and maintained to guide the design team through the tasks required to successfully complete a project. WEBB uses Microsoft Project software to schedule and track project tasks.

Cost/Budget Management Plan

The proposed project budget will be prepared based on the project RFP requirements. Our project manager will track the final budget compared to the actual earned value, task completion, and cost-to-date, and will identify any project cost variance at least monthly. Corrective actions will be taken to maintain the project budget. If changes to the scope and budget are deemed necessary, our project manager will work with the City to justify the need and clearly define the impacts.

Communication Plan and Management

Communication between all team members and City staff is critical to its success. A key differentiator between our project team and our competitors is our physical location and our ability to meet with City staff and stakeholders quickly. Whether it is City Council meetings, a community workshop, or a strategy meeting with the City, representatives from the project team can be there within 15 minutes.

We are committed to providing consistent communication by having required members of the project team available for all public meetings.

Issue Management/Risk Management

The tracking of project issues and management of risks is facilitated through a tracking log and available to the City and the project team. With issues being raised through email, phone calls, and meetings throughout the duration of the project, having a centralized document ensures project impacts are identified, logged, assigned, analyzed, acted upon, and addressed as part of the design process.

C. QUALIFICATIONS AND EXPERIENCE

Knowledge, experience, and responsiveness are the key elements of a strong team needed to exceed the City's goals and expectations for the Edgemont Water System Replacement Project. WEBB has put together a team of professionals that will deliver these key elements to your project. You will not find a team that has more knowledge, background, technical expertise, and the experience of working collaboratively on this project as well as on other recent successful projects that have direct relevance to this project than you find with this project team. The assembled team has a long history of working together, which increases communication and efficiency when managing this project.

Bill Malone, PE, PMP, will serve as Project Manager and the City's primary point-of-contact. A conscious decision was made to put a senior leader in this role to ensure that the City had a project manager with the detailed knowledge of the City's organization, water distribution system, water operations and current practices, and preferences. Bill also has the necessary experience of working on projects of this magnitude, access to all resources available, and the ability to manage subcontractors being used on this project. Bill will act as an extension of the City's staff to ensure a successful outcome of this project from beginning to end. This will include a strict adherence to the project schedule budget and QA/QC standards that will be developed and maintained at the project's onset. Bill will be supported by a highly qualified project team which has in-depth knowledge of the project and City protocols. The experience of this team will improve overall project management, reduce the opportunity for costly mistakes and delays, and provide effective and efficient services.

PROJECT MANAGER HIGHLIGHTS

- ✓ 25 years of pertinent experience with WEBB
- Strong technical background on water system design and implementation
- ✓ Certified Project Management Professional
- ✓ A "hands on" approach to design with a "big picture"
 perspective
- ✓ Over seven years experience working on this project

"You will not find a team that has more knowledge, background, technical expertise, and the experience of working collaboratively on recent successful projects that have direct relevance to this project than you find with this project team."

Coordination is critical for successful completion of this water system replacement project. Every project assigned to WEBB will include principal involvement. For this contract, Bruce Davis, PE, will serve as Principal-in-Charge and will handle all contractual matters and advise the team. Bruce has served as the Principal-in-Charge for many regional infrastructure projects and he has over 26 years of experience working on projects for various cities and public agencies. His in-depth technical and professional experience allows him to continue to be successful on the City's projects. Bruce has been working on this project for more than seven years. Bruce has worked with WMWD and EMWD for over 20 years. His in-depth technical and professional experience allows him to successfully lead this team for the duration of this project and serve as principal-in-charge.

Brad Sackett, PE, will provide water facilities design expertise on this project. Brad has over 14 years experience designing projects for WMWD. For several years Brad served in-house as an extension of WMWD's staff. Our team members are readily available to you and remain accessible throughout the project to the extent required to successfully complete it. Our key personnel will be available to the extent proposed for the duration of the project acknowledging that no person designated as "key" to the project shall be removed or replaced without the prior written concurrence of the City.

WEBB's experience working together on related regional projects, knowledge and understanding of the City's system and goals, and professional experience working with the City and stakeholders makes the project team indisputably qualified to complete the Edgemont Water System Replacement Project on-time and on budget.

Detailed resumes for all WEBB project team members can be found in **Appendix 1**. A qualifications table and detailed descriptions of projects performed by the project team are as follows:

**Continued on the following page...*

Key Personnel Qualifications Chart

Name	California Registration	Title	Discipline	Years of Exp.	Years w/ Firm
Bill Malone, PE, PMP	C-47569 PMP No. 1438761	Vice President	Municipal Engineering	26	26
Bruce Davis, PE	C-47200	Senior Vice President	Municipal Engineering	28	28
Brad Sackett, PE	C-65862	Senior Engineer	Water & Wastewater Infrastructure	30	14
Dilesh Sheth, PE, TE	C-65078 T-2112	Vice President	Traffic & Transportation	20	14
Joseph Caldwell, PE, CPESC, CPSWQ	C-67239 CPESC- 5311 CPSWQ-544	Director	Stormwater Engineering	11	11
Cheryl DeGano	N/A	Principal Environmental Analyst	CEQA/NEPA Compliance	27	14
Shane Spicer	N/A	Director	Municipal Finance	10	8
Andrew Orosco, LS	LS-5491	Director	Land Survey	40	3

■ Relevant Project Experience



Edgemont Community Services District (ECSD) - Annual Sewer Improvements Project

Riverside, California

The City of Moreno Valley adopted a General Plan Update which updated land use and zoning within the study area boundaries. The land use categories consisted of diverse zoning designations ranging from single family residential to multi-family higher density residential, including commercial and business park/industrial land uses. WEBB was retained to evaluate the existing sewer system resulting in the Edgemont Sewer Master Plan. The required system improvements were determined and construction and project costs were developed.

WEBB prepared final engineering plans and specifications for a gravity collection system for each phase of the sewer improvement projects. The annual improvements include approximately 4,000 l.f. to 5,000 l.f. of 8" to 12" gravity pipe, sewer laterals, and cleanouts. The project included the development of capital improvement projects for new sewer mains, sewer replacement, and sewer point repairs based on District's sewer system video program. The key issues being addressed in this project included heavy residential area, utility conflict, maintain sewer services, sewer bypass, sewer lateral locations and connection.

As the District's Engineer, WEBB manages the construction of the annual sewer improvement project. The construction management includes, but is not limited to, review of bid proposals, contractor submittal drawings, inspection reports, process request for information, request for change order, partial pay estimates, weekly working statements, periodic site visits to monitor construction and prepare notice to completions.

Client Contact

10

Ms. Jessica Pfalmer - Manager Edgemont Community Services District 5055 Canyon Crest Drive, Ste. 233A Riverside, CA 92507 951.784.2632

Project Cost

\$1,000,000 (Annually)

Status

Annual Design Construction



City of Ontario & Ontario Municipal Utilities Company Experience

Ontario, California

WEBB is currently providing services to the City. Below are some of the recent and current projects that WEBB is working on.

Water Main Replacement Projects at Various Locations (2014-2015 Design): WEBB is currently commencing design services to the Ontario Municipal Utilities Company to replace existing water distribution system infrastructure. The pipelines planned for replacement are localized to the City's existing 1212 Pressure Zone water system. The waterline replacements will consist of approximately 20,000 L.F. of 8-inch and 12-inch diameter water distribution mains and appurtenances.

Water Main Replacement Projects at Various Locations (2013-2014 Construction): WEBB is currently providing construction services to the Ontario Municipal Utilities Company to replace existing water distribution system infrastructure. The pipelines planned for replacement are localized to the City's existing 1212 pressure zone water system. The waterline replacements will consist of approximately 13,000 L.F. of 8-inch and 12-inch diameter water distribution mains and appurtenances, as well as transfer of existing water services from an undersized main to a newer watermain.

Water Capital Improvement Projects 30" & 18" (In Progress): WEBB is currently completing design on Phase 3 and under construction on Phases 1 and 2 of water capital improvement projects for the Ontario Municipal Utilities Company. The project consists of 6,800 linear feet of 30-inch diameter transmission main from the 20 MG Reservoir (1212 Pressure Zone) on Eighth Street in the City of Upland, and south on San Antonio Avenue to Fourth Street, and 7,500 linear feet of 18-inch diameter distribution main in Fourth Street from Elderberry Avenue to Euclid Avenue. The key challenge for the project is to select an alignment that avoids both existing utilities and maintains access to the residents in the area.

Milliken Avenue 42" & 24" Water Transmission Mains (Completed 2009): This project consisted of the design of 24,000 LF of 24-and 42-inch diameter water transmission mains through the City of Ontario from their 10 MG reservoir adjacent to Interstate 10 to the south of State Route 60, delivering water from upper zones to the planned new lower service zone for developing New Model Colony's 6,000 acres, which was recently converted from agricultural use to a residential development. The project also includes three pressure reducing stations to transfer additional water from the upper zones. WEBB also worked with the City of Ontario on several potable wells to provide the necessary water supply for the new development. WEBB's responsibilities include preliminary design and alignment report, preparation of plans and specifications, preparation of traffic control plans, review of contractors submittals, preparation of legal descriptions and plats, property boundary survey, construction inspection services, design and construction surveying services, and construction management. The water pipeline crosses both the Union Pacific Railroad and Burlington Northern Santa Fe Railways as well as Caltrans State Route 60. WEBB was responsible for obtaining the encroachment permits from all three entities.

Client Contact

Mr. Fernando Cobos - Utilities Project Manager City of Ontario Utilities Department 909.395.2682 **Project Cost** \$20,000,000



Jurupa Community Services District Sewer Bond Projects County of Riverside, California

In February 2010, the District issued Certificate of Participation Bonds to finance the construction of certain capital improvements known as "the Project." The project included three major components to improve the District's sewer system; 1) Trunk Sewer System Improvements, 2) Regional Wastewater Pump Station Expansion and New Force Main to the City of Riverside's Water Quality Control Plant (WQCP) and 3) Florine Lift Station Replacement. More specifically, the second component is the combination of improvements to convey wastewater from the District's regional wastewater pump station to the City's WQCP, to address current deficiencies and meet ultimate conveyance requirements. The proposed preliminary design for these regional sewer facilities advances the project such that final design can be effectively initiated within the timeframe specified by the capital improvement program.

The District has identified the need for additional conveyance capacity from the Regional Pump Station to the City of Riverside's Water Quality Control Plant (WQCP) in its September 2004 Master Sewer Plan, October 2007 Addendum, and the recently completed Addendum No. 2 dated May 25, 2010. The current method of delivering flows to the WQCP via a sewer crossing under the Santa Ana River will be changed to a new crossing over the river within the new Van Buren Bridge. The District has already authorized the construction of two 24-inch diameter sewer forcemains within the new bridge which are currently under construction.

WEBB is providing design, surveying, environmental, and construction management and inspection services (completed only) on the following improvements:

- Van Buren Bridge Forcemain Crossing 2,400 LF of 24" diameter Sewer (Complete)
- Florine Sewer Lift Station, 3,500 LF 10" diameter Gravity Main and Forcemain (Complete)
- Upgrades and Enhancements to Electrical/SCADA at Plant 1 (Complete)
- Regional Forcemain to City of Riverside WWTP 17,600 LF of 24" dia. Forcemain and 2,200 LF of 27" dia. Gravity Sewer
- Pyrite Creek Trunk Sewer 10,300 LF of 30" and 36" diameter, 7,200 LF of 8" to 21" diameter sewermain, 3,000 LF of slipling and small sewer lift station (Construction)
- Jurupa Road Trunk Sewer 14, 600 LF of 10", 18" and 21" diameter sewermain (Construction)
- Sky Country Trunk Sewer 8,100 LF of 12" and 18" diameter sewermain
- Regional Sewer Lift Station 7,500 gpm, 750 HP capacity

WEBB provided planning, preliminary design, and current design engineering services, including preparation of plans and specifications, for each major component: design surveying, coordination with utility companies and governmental agencies, legals and plats, right-of-way acquisitions, coordination with Caltrans on crossing of Highway 60, and extensive coordination with the City of Jurupa Valley on paving restoration. WEBB provided construction management services including construction surveying, construction inspection, review of submittals, review of partial pay estimates, preparation of change orders, and coordination with the contractor on behalf of the District on all completed projects.

Client Contact

Mr. Todd Corbin - General Manager Jurupa Community Services District 11201 Harrel Street Jurupa Valley, CA 91752 951.685.7434 **Project Cost Status** \$45,000,000 Est. 2015



Enchanted Heights Sewer System Infrastructure Perris, California

The Enchanted Heights subdivision is a residential community originally built in the 1960s. The community is located partially in the boundaries of the County of Riverside and partially in the boundaries of the City of Perris. The project site is comprised of 562 lots on approximately 170 acres. Each lot varies in size from 6,000 square feet to one-half acre. Of these lots, 446 residences rely on individual septic systems that often fail during the wet seasons posing a documented health concern with the perched groundwater. In light of the severity of the situation and the urgent need to design and construct sewer system facilities to replace the failing septic tank systems, the County of Riverside, Eastern Municipal Water District, and the City of Perris entered into a Joint Contribution Agreement in October of 2009 for the design of a sewer system to replace the existing septic tank systems called the Enchanted Heights Sewer System Project

WEBB prepared final engineering plans and specifications for a gravity collection system and accompanying lift station. This system included approximately 23,000 linear feet of 8-inch gravity pipe, 3,000 linear feet of 6-inch diameter force main, and a new sanitary sewer lift station (Lukens). WEBB completed an evaluation of three potential site locations to provide the District flexibility in handling affected property owners and acquiring the right-of-way for the proposed lift station. Due to the project's proximity to a school, the rock and groundwater geotechnical conditions, and the tri-party funding source from the City of Perris, Eastern Municipal Water District, and County of Riverside, WEBB focused on evaluating options for including rock excavation and groundwater dewatering in the specifications and schedule of values to minimize potential change orders during construction of this project. WEBB evaluated and designed this project to solve the conflicts among shallow sewer laterals, existing utilities crossings, minimize the rock excavation, and serve the residences pools that were lower than street grades. As part of this project, WEBB also upgraded the District's existing Diana Lift Station by designing a new emergency generator, upgrade MCC, site access improvements, asphalt paving, and security fencing.

Funding for this project has been provided through an agreement with the State Water Resources Control Board's Clean Water State Revolving Fund (CWSRF) Loan Program, and the State of California Department of Public Health (CDPH) under Proposition 84, Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006 in amount of \$9.8 million for the sewer main in streets, as well as the sanitary sewer lift station.

To switch each individual residence to the new sewer system, EMWD applied another \$2.5 million loan for the on-site work including installation of sewer laterals from street to residential dwellings, switchover the sewer connections, and abandonment of existing septic tank per CDPH requirements.

The sewer system includes approximately 23,000 linear feet of 8-inch to 10-inch diameter gravity sewer main and 4,500 linear feet of 6-inch diameter sewer force mains and a new sanitary sewer lift station. The total construction cost is approximately \$12.3 million.

Client Contact

Mr. Joe Mouawad Director of Civil Engineering Eastern Municipal Water District 2270 Trumble Road Perris, CA 92570 951.928.3777 **Project Cost** \$15,000,000

StatusCompleted 2014



JCSD Waterline Replacement Program

Riverside, California

WEBB has provided district engineering services to Jurupa Community Services District (JCSD) for over 45 years. Since 1986, JCSD has pursued an aggressive waterline replacement program to upgrade existing service by replacing approximately 10,000 LF of 8-inch to 12-inch diameter water distribution mains annually.

WEBB is responsible for the preparation of plans and specifications, utility research, coordination with local fire and transportation departments for approval, surveying and construction management, and inspection services. The projects maintain the existing water system in operation until the new pipeline is in operation and the new water service laterals may be connected to the existing meter at minimal disruption to the customer. Due to the nature of the project, the waterline placement is critical. The waterlines are installed in minimal right-of-way streets that are congested with existing facilities.

Client Contact
Mr. Todd Corbin
General Manager
Jurupa Community Services District
951.685.7434

Project Cost Status \$1,000,000 (Annually) 1993-Present



Recycled Water Master Plan City of Banning, California

To implement City of Banning's Recycled Water Master Plan, the City of Banning plans to construct the Phase I Irrigation Water Supply System which will ultimately extend east to the City's treatment plant. Located south of the I-10 Freeway between S. Highland Home Road and City Water Reclaimed Treatment on 2242 E. Charles Street, the project included three major components/segments. The Segment A pipeline consists of approximately 11,500 linear feet of 24-inch diameter pipeline. Segments B and C include approximately 2 miles each.

WEBB provided final design engineering services, including preparation of plans and specifications for each major component (Segments): design surveying and coordination with Caltrans on construction within Caltrans Right-of-Way. WEBB also provided engineering assistance during the construction phase.

Client Contact: Duane Burk Director of Public Works 99 E. Ramsey Street Banning, CA 92220 951.922.9138 **Project Cost** \$10,000,000

Status

Segment A: Complete 2013 Segment B: Under Construction Segment C: Final Design Est. 2015



2320 PZ Reach I Pipeline

Perris, California

The 2320 PZ Reach I Pipeline Project included 2,000 LF of 30" diameter Class 200 to Class 300 CML/C steel pipeline and 6,240 LF of of 24" diameter Class 150 to Class 200 CML/C steel pipeline, a PRV station, and a surge tank. The project included construction on a steep slope (+25%) within a narrow easement area for approximately ¼ of the alignment. The easement included two existing and operating water pipelines, overhead electrical, and various telephone and communication cables.

Client Contact
Mr. Jeff Sims
Assistant General Manager
Western Municipal Water District
951.571.7100

Project Cost Status

\$2,630,000

Completed 2012

REFERENCES

The City will reap the benefits of our team's approach to client service. Client service is our #1 goal. WEBB's reputation for superior quality work, integrity, and long-standing client relationships is a direct result of our industry proven capabilities and experience. We are proud of the name WEBB as it has become synonymous with experience and customer service. We encourage the City to speak with your staff who have worked with our firm or to call upon our references to truly understand the commitment we all make to each of our clients and their projects.

Contact Name & Agency	Contact Information	
Mr. Greg Kowalski,Senior Civil Engineer Eastern Municipal Water District	2270 Trumble Road Perris, CA 92570 T: (951) 928-3777 E: kowalskig@emwd.org	
Mr. Todd Corbin, GM Jurupa Community Services District	11201 Harrel Street Jurupa Valley, CA 91752 T: (951) 685-7434 E: tcorbin@jcsd.com	
Mr. Arden Wallum, General Manager Mission Springs Water District	66575 2nd Street Mission Springs, CA 92240 T: (760) 329-5169 E: awallum@mswd.org	
Mr. Arnold Rodriguez, GM Santa Ana River Water Company	10530 54th Street Mira Loma, CA 91752 T: (951) 685-6591 E: jarodriguez@sarwc.com	
Mr. Jeff Sims, Assistant General Manager Western Municipal Water District	14205 Meridian Parkway Riverside, CA 92518 T: (951) 571-7100 E: jsims@wmwd.com	

D. STAFFING PLAN

WEBB is fully capable to commit, develop, and complete assigned scope of work in accordance with the required project scope, schedule constraints, and appropriate budgeting for the project. Bill Malone will directly manage the project and team and understands the their capabilities to meet the project's specific requirements. This team has a proven track record and we intend to apply that knowledge and experience to your City projects.

Our cohesive team and overall approach will improve the project's management, reduce the opportunity for costly omissions and delays, and allow our staff to provide very effective and efficient services for this project. Our team members are highly committed to the City's project and will remain available through the duration of the project. Located at our Corporate Headquarters in Riverside, our project team is readily available to provide service to you and quickly meet with the City on an as-needed basis in the event critical issues arise. Our work plan and technical approach presented in the next section further indicates WEBB's capability to define, manage, and control the quality of projects and develop the detailed scope and schedule to meet the City's needs.

Current Workload of Project Team

Bill Malone, PE, PMP, Project Manager, and other key staff members work on multiple projects at the same time. Key staff members, Brad Sackett, PE, Joseph Caldwell, PE, CPESC, CPSWQ, Dilesh Sheth, PE, TE, Cheryl DeGano, and Shane Spicer are also experienced project managers. Thus, they understand and are experienced in the different aspects of what it takes to deliver a project, such as estimating the amount of time it takes to complete each task, meeting client's expectations, and possessing solid technical knowledge. The schedules for the projects that Bill and the key staff are currently assigned to have been reviewed, and given the stages at which each of these projects are at, Bruce, Bill, Brad, Dilesh, Joseph, and Cheryl will have the capacity to commit to this project and the schedule. Key staff members are supported by experienced associate engineers and senior designers. In other words, WEBB has a "deep bench" and we will be able to help to keep your projects on schedule, budget, and provide high quality of work.

WEBB has developed a detailed Project Management Program that allows our project manager to utilize a variety of project management tools to identify critical success factors for the City, key dates and milestones, key deliverables on-projects, and a detailed project schedule that can be used to monitor the progress of the project. We have provided the City with a detailed preliminary project schedule in **Section E**.

E. WORK PLAN AND SCHEDULE

PRELIMINARY DESIGN (35% DESIGN)

WEBB will perform the preliminary design investigation and prepare 35% plans showing the proposed improvements by phase. WEBB acknowledges the required scope of work in the RFP and will complete that scope as each design phase is completed. Our approach will comply with the current funding restrictions and defer tasks requested in the RFP, when appropriate, to the final design phase. The detailed scope for the preliminary design is as follow:

- Conduct site review of the BSMWC's service area
- Collect data and review of existing system facilities, especially the existing blend tanks, well, and hydro-pneumatic pump station
- Review of existing available as-built plans, maps, and reports
- Review WMWD's design requirements/standards and coordinate with WMWD staff on applicability of various standards to the project design
- Obtain topographic and mapping data available consistent with a 35% design review, anticipating GIS land network and LYDAR topography to 2' accuracy for the preliminary design
- Coordinate with City staff and fire marshal for ultimate fireflow requirements for project area
- Develop design/supply alternatives for the proposed system which include; 1) tank blending of the groundwater,
 2) discharge pipe blending of groundwater,
 3) well head treatment, and
 4) supply almost entirely with WMWD imported water. The last option is not preferred, as it does not utilize the current water supply, but is an alternative if the existing well becomes unusable for any reason in the future
- Perform a preliminary geotechnical investigation using available published data to determine anticipated soil conditions, seismic design parameters for the blend tanks, and Phase 1 level review for potential soil contamination
- Evaluate the seismic capability of the existing blend tanks compared against the current seismic standards for water storage tanks, evaluate retrofit/replace options, and determine which is the most cost effective approach if tanks do not meet current requirements
- Confirm design alternatives to meet ultimate water demand and fire flow requirements
- Develop 35% plans to include proposed horizontal alignment for all pipelines to service the Edgemont Community and plan view/mechanical for other improvements such as blend tanks, well equipping, and hydro pneumatic booster station.
- Develop engineer's estimate of probable construction cost of each alternative for the purpose of comparison
- Develop a construction phasing plan for the preferred alternative as project implementation assumes funding may be available for only a portion of the project at any one time. Confirm ultimate and interim demands and fireflow can be met
- Develop detailed project implementation schedule and work plan for the recommended alternative through construction and handover to WMWD
- Identify right-of-way or easement needs for the construction of the new system infrastructure
- Identify any other existing and proposed utilities that may conflict with the preferred alternative and coordinate with utility owners regarding possible relocation
- Coordinate with all affected agencies and determine requirements for various permits necessary for the project
- Identify and evaluate all existing improvements within the project area that affect the proposed waterline improvements
- Prepare conceptual traffic control plans for handling traffic during construction
- Prepare draft signing and stripping plans for all streets. Signing and stripping comply with current standards.
- Prepare environmental documentation for the purpose of obtaining CEQA clearance, see later section for additional detail

Phasing Plan – Revenue Generation

WEBB's Municipal Finance Department will team with LAO to develop a credible phasing and financing plan that ensures Phase 1 construction is located where development is most likely to occur and a financing plan that includes appropriate municipal financing options, connection fees, monthly service charges, or other revenue sources that supplements the anticipated grant funding and enhances the grant applications in order to improve the odds of a successful grant application.

- Prepare market opportunity evaluation report of area to better understand timing and development potential
- Prepare municipal financing plan
- Estimate connection fees or charges
- · Review funding approaches with City Staff
- Summarize finding and funding approaches recommended for the project

Environmental Documentation - Preliminary Design

Environmental services for the Master Plan Water Facilities consist of the preparation of an addendum to the Initial Study /Environmental Assessment for the EWMPU (the 2010 IS/EA), updated biological and cultural resources assessments, and if needed, a jurisdictional delineation and focused burrowing owl surveys.

For the Master Plan Water Facilities, WEBB will prepare an addendum to the IS/EA for the EWMPU. The addendum will be augmented by updated technical studies for biological and cultural resources and include a NEPA supplement. To complete this work, WEBB will:

- Prepare the draft addendum using the City's Initial Study/Environmental Checklist form revised to change the responses to the checklist questions from "Potentially Significant Impact, Less than Significant with Mitigation Incorporated, Less than Significant New Impact, Impacts Fully Analyzed in 2010 IS/EA." Responses to the checklist questions will include: (i) a summary of the conclusion from the 2010 IS/EA (ii) a discussion of the proposed Master Plan Water Facilities with emphasis on any potential changes in biological and cultural resources, and (iii) findings relative to any changes or new information that would require preparation of a supplemental or subsequent mitigated negative declaration. The addendum will include graphics as appropriate to support the analysis
- Prepare a draft Habitat Suitability Assessment /MSHCP Compliance Report that documents the result of a literature review and field survey. This report will be prepared according to the standards of the MSHCP. If the results of the Habitat Suitability Assessment indicate suitable habitat for burrowing owl, focused burrow surveys will be required per the MSHCP.
- As required for Proposition 84 funding, CRM Tech will update the historical/archaeological resources survey in accordance with Secretary of Interior Standards and in compliance with Section 106 of the National Historic Preservation Act
- Submit the Habitat Suitability Assessment /MSHCP Compliance Report to the City and incorporate one round of staff comments to prepare the final document
- Evaluate the project site for jurisdictional resources and prepare a report that defines the methods and results of a field assessment and identifies and quantifies impacts
- Submit the draft addendum to the City and incorporate one round of staff comments and prepare the final addendum document
- The addendum and supporting documents will be submitted to the City electronically
- CEQA does not require an addendum to be circulated for public review prior to approval. Once complete the addendum is presented to the City Council for approval.

Property Acquisition Support - Preliminary Design

WEBB has teamed with Overland, Pacific & Cutler (OPC) to provide property acquisition support for the project. The 35% design phase will include right-of-way cost estimate and data sheets for each parcel where easements or right-of-way in anticipated. Right-of-way cost will be included in of the project cost estimate. OPC will ensure appropriate procedures and processes for right-of-way acquisition are in place and followed as part of this initial phase.

Prepare a Summary Technical Memorandum to be used for Grant Funding Application

Using the City's approved format, WEBB will prepare a Project Summary Memorandum (maximum of 10 pages) which shall include, but not be limited to, the following critical topics:

- Project descriptions and objectives
- Discussion of existing facilities with deficiencies and constraints clearly identified
- Proposed alternatives and recommended approach
- · Discussion of design criteria and specific standards to be used
- Incorporate key findings identified in the 35% plan preparation
- · Identification of any design deficiencies with associated justifications
- Project phasing and associated justification
- · Identify right-of-way/easement needs by phase
- Prepare a project cost estimate for each phase of work, identify any funding opportunities
- Prepare a probable implementation schedule based on project phasing and funding needs

Project Meetings

At a minimum, WEBB will schedule and attend meetings as follows:

- · Kick-off meeting including sub-consultants and agencies
- · WMWD coordination meeting
- Project team meetings, monthly
- Preliminary design submittal meetings

WEBB will schedule, chair, and prepare meeting agendas and minutes for all meetings. The agendas are to be submitted to the City before the meeting. The minutes shall be distributed to all attendees, everyone who was invited, and the City's Project Manager within five (5) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mails, synopsis of discussion items, any pertinent information, action items, and follow-up to action items.

Computer files of all deliverables on this project will be provided to the City in a format acceptable the City at conclusion upon the City's approval of 35% design and CEQA document.

EDGEMONT WATER SYSTEM REPLACEMENT PROJECT SCHEDULE - UPDATED JANUARY 2015 **Preliminary Design** | 2015 | | 2015 | | 2015 | | 2015 | | 2015 | | 2015 | | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 2015 | 20 ID Task Name Duration Start Finish Predecessors 1 City of Moreno Valley Authorization - 35% Design 0 days Tue 1/27/15 Tue 1/27/15 3 Kick Off Meeting 2/2 0 days Mon 2/2/15 Mon 2/2/15 1 5 Perform Area Mapping and Lydar Topographic Mapping Fri 3/27/15 3 8 wks Mon 2/2/15 7 Site Review, Review of Existing Documentation, Right-of-Way and Utility Mon 2/2/15 Fri 2/13/15 3 9 Coordinate with BSMWC, WMWD and Utility Owners on planned 2 wks Mon 2/16/15 Fri 2/27/15 7 Improvements 11 Develop Design Alternatives and Evaluate Water Supply Options Fri 2/27/15 7 2 wks Mon 2/16/15 12 13 Analyze Potential Project Phasing and Implementation 2 wks Mon 3/2/15 Fri 3/13/15 11 15 Coordinate with Affected Agencies and Identify Necessary Permits Mon 3/2/15 Fri 3/13/15 9 2 wks 16 17 Prepare Prelimiary Design Report including Cost Estimates, Schedule and 5 wks Mon 3/16/15 Fri 4/17/15 13,15 Work Plan for each Alternative including Construction Phasing 19 Prepare and Process 35% Design Drawings for Water Facilities and Street 4 wks Mon 3/30/15 Fri 4/24/15 5 21 CEQA / NEPA Document Preparation, Special Studies Update and 10 wks Mon 2/16/15 Fri 4/24/15 7 Processing 23 COMPLETE 35% Design 0 wks Mon 4/27/15 Mon 4/27/15 17,19,21 24 25 Round 3 IRWM Grant Application Preparation and Submittal Fri 10/30/15 23 26 wks Mon 5/4/15

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CITY OF MORENO VALLEY

F. QUALITY CONTROL AND ASSURANCE

The quality control for this project will be imbedded in every stage of the project development. Our QA/QC program is designed to enhance the cooperation and synergy between the disciplines in-house, our design teams, subconsultants, and the City. Our entire staff is part of the QA/QC program and each plays a significant role in its implementation. As an underlying principle of our QA/QC program, WEBB will utilize senior level staff to review the work product to utilize the experience and knowledge of each aspect of the project.

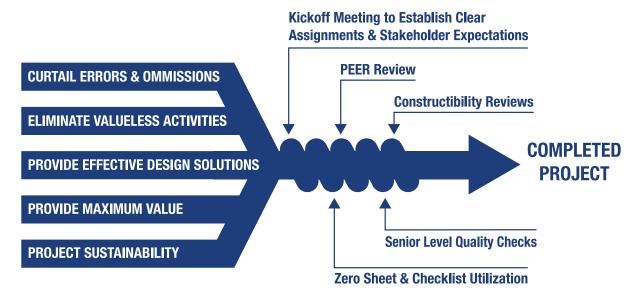
Our quality assurance begins with developing a close and continuous line of communication between the design team and the City. Our past experience indicates that good communication is a critical element to project success. Under our project protocol, we keep an organized directory of all project-related communication, meeting minutes and action items, documents, images, data, and plan sets, which allows us to respond quickly to requests. We will seek the input of operations and engineering staff throughout the project development to ensure the project meets the needs of the City.

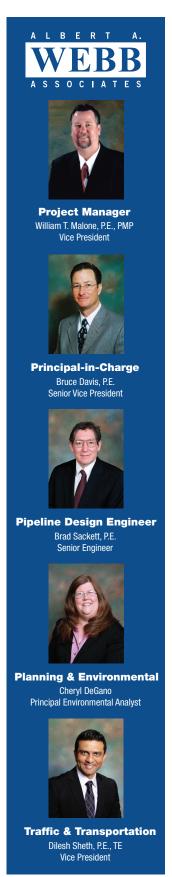
The proposed project schedule and work plan, developed by the project manager, will be evaluated by our internal peer review team. We recognize that a comprehensive, realistic project schedule is critical to the decision-making process for the City. This schedule will include all interim milestones, reviews, third party reviews, and deliverables for the project.

As part of the preliminary design and evaluation of project alternatives, the key project team members will meet and discuss the challenges of each of the proposed alternatives. By bringing these disciplines together early in the project, we are able to recommend the best project alternative and develop a list of critical design issues that need to be addressed as detailed design is implemented.

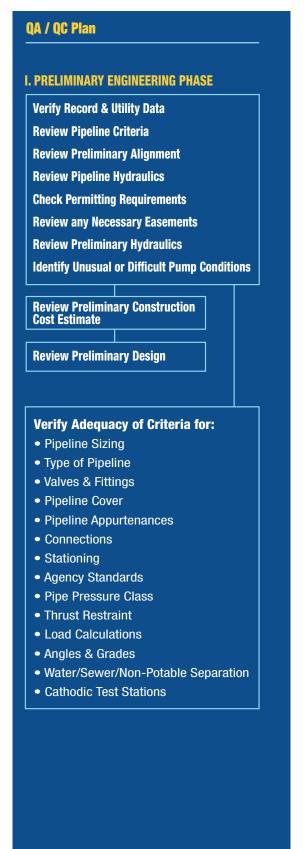
A key aspect of our Quality Control Program is the location of existing utilities. These must be confirmed in order to select the most cost effective alignment. Our in-house utility coordination will acquire the alignments of the existing utilities from the utility companies and combine them for the initial conflict control maps. Our engineers will then walk each of the proposed alternatives and compare the mapped utilities to the site conditions to confirm the correlation between the mapping and the actual locations of bus stops, vaults, valves, catch basins, manholes, and overhead utilities. Potholing of utility crossings will be done to confirm x and y coordinates at each utility crossing so that an accurate plan and profile can be designed.

After the preliminary design has been developed, the project will receive a comprehensive internal peer review prior to submittal and coordination with the City. The peer review panel consists of WEBB professionals apart from the design team, engineers that perform plan checking for public agencies, hydraulic engineers, and additional environmental specialists. This peer review will be utilized to ensure that the preliminary design is clear, concise, comprehensive, and most importantly, meets the objectives of the City.









G. ADDITIONAL RELEVANT INFORMATION

- This Request for Proposal shall be incorporated in its entirety as a part of WEBB's Proposal
- This Request for Proposal and WEBB's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley
- WEBB acknowledges and understands that we will not be allowed to change the subconsultants without written permission from the City
- All charges for WEBB's services is a "not-to-exceed fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said WEBB's Proposal
- WEBB will document and provide the results of the work to the satisfaciton of the Clty. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives
- WEBB will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work
- The hourly rate schedule is part of WEBB's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. An itemized cost breakdown for hite work described herein is submitted in a separate sealed envelope as part of this proposal
- WEBB will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin
- All federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In case of
 conflict between federal, state or local laws, or regulations, the strictest shall be adhered to
- WEBB shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pretinent to this special proejct. All relevant records shall be retained for at least three years
- WEBB shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation
 regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code.
 Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision", and
 State of California prevailing wage rates, respectively
- WEBB shall comply with the Copeland Anit-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof
- WEBB offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Sec. 15) or under the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials purusant to the public works or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgement by the parties

City of Moreno Valley - Edgemont Water System Replacement - Resource Allocation Amended January 2015

	Webb Personnel Hours						
Task Description	Principal Engineer	Senior Engineer	Associate Engineer III	Associate Engineer II	Admin Assistant	Total Hours	
Preliminary Design (35% Design)		-	• • •		·	_	
Task 1A - Project Management and Multi-Agency							
<u>Coordination</u>							
Kick Off Meeting	8	4	-	_	4	16	
Project Schedule / Project Updates	6	_	_	-	-	6	
Multi-Agency Coordination	24	48	48	-	8	128	
Weekly Email Project Updates	16	-	-	-	-	16	
Internal Project Management / Coordination	40	-	-	-	20	60	
Subtotal	94	52	48	-	32	226	
Task 1B – Utility Documentation, ROW, Property and Utility Research							
Utility Research, Survey & Mapping							
ROW mapping for existing alignments	-	-	-	-	-	-	
Utility Research	-	-	8	-	40	48	
Compute utilities into mapping	-	16	30	40	-	86	
BSMWC Well Site Layout Site survey / piping Layout for Hydro pneumatic pump station, well pump							
house, blending tanks		4	12	20		36	
Easement Documents	_	7	12	20	_	30	
	1				2	2	
Right-of-way Cost Estimate	1	-	-	-	2	3	
Right-of-way Data Sheets	1	-	-	-	2		
Subtotal	2	20	50	60	44	176	
Task 1C - Preliminary Geotechnical Investigation							
Geotechnical Investigation							
Desk Top Study for Preliminary Design	1	2	_	_	_	3	
Seismic Parameters for Tank Assessment	1	2	-	_	_	3	
Subtotal	2	4	-	-	-	6	
Task 1D – Phasing and Revenue Generation							
Development Phasing							
Assessment of phasing and absorption	1	2	_	_	_	3	
Financing Plan, Connection Fee Estimates	8	24	24	_	12	68	
		30	40	_	12	98	
Summary Memorandum and Coordination with City Staff	16	<i>3</i> 0 i	1 0 i		12 11	70	

City of Moreno Valley - Edgemont Water System Replacement - Resource Allocation Amended January 2015

	Webb Personnel Hours					
Task Description	Principal Engineer	Senior Engineer	Associate Engineer III	Associate Engineer II	Admin Assistant	Total Hours
<u>Task 1E – Preliminary Design</u>						
Existing Facilities						
Conduct Site Review of BSMWC facilities	8	8	8	-	-	24
Review As built plans, maps and previous reports	2	16	24	-	-	42
Review WMWD Standards, Coordinate with WMWD Staff	4	2	8	1	-	14
Review existing tank seismic capability	8	4	8	_	-	20
Review pump station/well site, preliminary design	8	4	20	1	-	32
Design Alternatives (3 approaches)						
Layout out three design approaches	3	6	24	-	-	33
Develop pros/cons matrix	3	6	12	-	-	21
Prepare cost estimates for each	4	6	24	-	-	34
Construction Phasing						
Develop construction phasing	1	2	4	-	-	7
Prepare draft signing and stiping plans per current regulations for selected						
alternative	2	8	24	-	-	34
Prepare cost estimates for each phase	-	2	2	-	-	4
Develop schedule and work plan for construction phasing	1	4	4	-	-	9
DOW/secoment reads						
ROW/easement needs		0	0			1.6
Identify ROW and easement needs for water pipeline	-	8	8	-	-	16 12
Prepare mapping showing ROW and easement needs	-	4	8	-	-	12
Preliminary Utility Coordination	4	20	2.4			40
Identify utility interferences	4	20	24	-	- 1.6	48
Prepare and mail 1st notice	- 1	- 0	8	-	16	24 28
Summarize findings and responses	4	8	8	-	8	28
Affected Agencies and Permits	0	22	1.6		0	C 4
Coordinate with affected agencies	8	32	16	-	8	64
Determine permit requirements	2	8	- 0	-	- 4	10
Summarize findings and responses	2	4	8	-	4	18
Environmental Documentation	4	1.6		5.0	4	00
Addendum to the 2010 IS/EA	4	16	-	56	4	80
Biological Resources	-	- 1		-	- 1	- 4
Habitat Suitability Assessment Jurisdictional Delineation	-	1	-	2 2	1	4
	-	1	-	4	1	6
Focused Burrowing Owl Surveys Cultural Resources		1	_	4	1	O
Update Historical Archaeological Resources Survey	-	- 1	-		2	3
Impact to existing improvements	 	1		-		3
	10	22	90			124
Select preliminary alignments Determine impacts to existing facilities	12	32 20	80	-	-	124 44
Summarize findings and responses	2	8	8	-	<u>-</u> 4	22
Summanze midnigs and responses		0	0	-	4	22
	<u>ı </u>					

City of Moreno Valley - Edgemont Water System Replacement - Resource Allocation Amended January 2015

	Webb Personnel Hours					
Task Description	Principal Engineer	Senior Engineer	Associate Engineer III	Associate Engineer II	Admin Assistant	Total Hours
Traffic Control Plans						
Divide project into stages and typical requirements	2	2	2	-	-	6
Prepare concept traffic control plan by reach	2	2	4	-	-	8
Summarize findings and responses	2		4	-	2	8
Cost Estimate						
Capital Cost	2	12	24	-	-	38
Project Cost	1	4	4	-	-	9
Phasing	2	2	8	-	-	12
Preliminary Design						
Workshops with WMWD	12	12	32	-	8	64
Technical Memorandum summarizing findings	16	28	72	-	16	132
Revise / finalize preliminary design per comments	10	20	20	-	8	58
Subtotal	135	314	520	64	83	1,116
<u>Total</u>	258	446	682	124	183	1,717

NOTES: The following notes are considered an integral part of this cost estimate.

1. Hours listed are estimates only, and may shift between tasks as required.



William T. Malone, PE | PMP Vice President

EDUCATION REGISTRATIONS

BS, Civil Engineering, California State Polytechnic University - Pomona

Registered Civil Engineer PE 47569 (CA) PMP No. 1438761

AFFILIATIONS

American Water Works Association Project Management Institute

Inland County Water Association

Bill Malone, Vice President at Albert A. Webb Associates (WEBB), is a specialist in water and wastewater projects ranging from planning, to design, and construction. Bill's experience includes, but is not limited to, major water transmission mains, water distribution mains, sewer trunk lines, sewer collection mains, water pump stations, water wells, sewer lift stations, major water turnout metering facilities, sewer metering and monitoring stations, water storage reservoirs, and water and sewer system master plans.

Bill's planning and design responsibilities include hydraulic analysis of sewer and water systems, master facility plans, engineering feasibility studies, preparation of design drawings and project specifications, preparation of construction and project cost estimates. As a contract administrator and construction manager, Bill reviews bid proposals, contractor's submittal drawings, he coordinates with clients, contractors, and inspectors regarding engineering decisions during construction, reviews and processes construction progress payments and executes contract change orders.

Due to Bill's extensive background in a variety of disciplines, he serves as the Director of our Municipal Engineering Department overseeing the firm's resources and focusing on developing strong teams of consultants to meet the needs of our clients.

Edgemont Master Plan Update, City of Moreno Valley, CA - Bill was Project Manager for the City's project to prepare water, water quality, sewer, absorption study and added facilities and financial study for teh City. Further studies included groundwater analysis, TMF, and CEQA/NEPA documentation.

Milliken Ave. Water Transmission Mains, City of Ontario, Ontario, CA - Bill served as the Project Manager and Construction Manager for the design and construction of 24,000 LF of 24 and 42-inch diameter water main. The project delivered water from the upper zones to the planned new lower service zone for the developing New Model Colony 6000 acre project. The project also included the design of three Pressure Reducing Stations to transfer water between zones.

Sewer System Evaluation Master Plan Update, Edgemont Community Services Dist, Moreno Valley, CA - Bill was the Project Manager for the Edgemont Community Services District Master Sewer Plan. The project included a hydraulic computer model, development of projected wastewater generation of various regions of the District, determination sewer main sizing and alignment. The report included the development of capital improvement projects for new sewer mains, sewer replacement, and sewer point repairs based on District's sewer system video program.

Continued on the following page...

William T. Malone, PE | PMP

Vice President

Design Services AD 12"Area L" Phase I, Mission Springs Water District - Bill served as the Project Manager for the District Project No: 06-010-S, A.D. 12 "Area L", Phase 1 project. The District has been aggressively trying to mitigate the potential contamination from existing septic tanks by pursuing the construction management of regional trunk sewers, collection of sewer lines, and sewer laterals to prospective users. The pursuit of funding has included tapping State and Federal resources for grants and loans. As delineated in the RFP, the AD 12 Service Area L Phase 1 sewer system will be federally assisted and require special Federal Provisions. In addition to existing residential units, future development within the MSWD service area is anticipated. WEBB prepared the sewer study and plans and specifications for the Dos Palmas (Area L & M) project and is uniquely knowledgeable of the area.

Etiwanda/Bellgrave Avenue Waterline, Jurupa Community Services District, Mira Loma, CA - Bill served as the Project Manager for the Bellegrave Avenue Water Transmission Main project. This project consisted of 4200 LF of 30-inch diameter, 5400 LF of 36-inch diameter and 300 LF of 42-inch diameter CML/CMCWSP, 1230 LF of 15-inch diameter VCP Sewer and 1500 LF of 30-inch CML/CMCWSP for the Chino Basin Desalter Authority. Due to the planned crossing of Interstate 15 and required Caltrans Permit, the need for property acquisition by the District and CDA for their facilities the project was packaged together. WEBB's responsibility included preparation of all plans and specifications, legal descriptions and plats, and coordination with Caltrans and property owners. The end result was the installation of JCSD Master Planned waterline, future master planned Area B Trunk Sewer and CDA Chino II Desalter raw waterline in parallel in three (3) separate casings across Interstate 15 in one design, bid and construction project.

Product Water Pipeline, Santa Ana Watershed Project Authority, Riverside, CA - Bill acted as Project Manager and Construction Manager for this project which consisted of 50,000 LF of 24-inch and 30-inch diameter water transmission main to deliver water to Jurupa Community Services District from the Chino 1 Desalinization Plant in San Bernardino County as part of the overall Chino Basin Desalinization project. Bill was responsible for the preparation of a preliminary design and alignment report, preparation of plans and specifications, and obtaining governmental approvals. Bill also acted as the Contract Administrator for the Santa Ana Watershed Project Authority during construction.

Non-Potable Water Conveyance Project, Western Municipal Water District, Riverside, CA - Bill was the Project Manager for the design and construction support of this 34,000 LF of 24-inch dia. pipeline project.

CFD No. 1 Backbone Water and Sewer Facilities, Jurupa Community Services District, Mira Loma, CA - As Project and Construction Manager, Bill was responsible for the preparation of plans and specifications, coordination with governmental agencies and the contract administration for the infrastructure required for CFD No. 1 in the Mira Loma area in the unincorporated portion of Riverside County. The projects were publicly bid on behalf of Jurupa Community Services District and consisted of the water transmission and distribution system (62,000 LF of 16" to 30" diameter main) under five separate contracts and the sewer collection system (45,000 LF of 8" to 24" diameter main) under four separate contracts. The sewer system included the preparation of the plans and specifications for sewer metering stations required for connection to the Santa Ana Regional Interceptor Sewer (S.A.R.I. Line).

Arlington Desalter Product Water Pipeline, (RBF) Santa Ana Watershed Project Authority, Riverside, CA - Bill was the Project Engineer and Construction Engineer for this 52,000 LF of 30-inch diameter pipeline project and continued through construction management.

Chino 1 - Chino 2 Intertie, Jurupa Community Services District, Mira Loma, CA - Bill was the Project Manager for this 8,000 LF of 24-inch diameter pipeline project.



Bruce Davis, PE Senior Vice President

EDUCATION REGISTRATIONS

BS, Civil Engineering, California State Polytechnic University - Pomona Registered Civil Engineer PE 47200 (CA)

AFFILIATIONS

American Public Works Association American Water Works Association Coachella Valley Economic Partnership

CalWater PAC (Political Action Committee)

League of California Cities

Association of California Water Agencies

Bruce Davis is a Senior Vice President at Albert A. Webb Associates. Bruce's breadth of experience and in-depth technical and professional background with both public and private projects make him a well versed consultant with the ability to serve the best interests of both public agencies and private clients. Bruce's past experience has allowed him to be successful in a number of large and complex projects over the last 26 years. His unique ability to understand the planning and civil engineering needs of a project, coupled with his uncanny ability to mediate problems and find creative solutions with all constituents involved makes him a highly sought after consultant.

Bruce has served as the Principal-In-Charge for literally hundreds of planning, design, and regional infrastructure and development projects. He has extensive public works experience with water/wastewater facilities, traffic, transportation, and drainage projects. Bruce's private sector experience includes the planning and design of specific plans, large and small scale residential and commercial developments, and special financing districts. His extensive experience translates to an understanding of all the steps required to successfully complete a project efficiently and on schedule, from inception to completion.

Actively involved and a leader in the CalWater Political Action Committee, Association of California Water Agencies, American Public Works Association, Inland County Water Association, Coachella Valley Economic Partnership, BIA Inland Empire and Desert Chapters, and the League of California Cities, Bruce serves as an excellent resource and representative for his clients on current legislation, issues, and trends in our region.

As a Principal within the firm, Bruce has complete access and the ability to manage resources in all disciplines within the firm including, but not limited to: Water Resources, Traffic and Transportation, Drainage, Planning and Environmental Services, Special Tax and Assessment Consulting, Residential Development, Commercial and Industrial Development, Construction Management and Inspection, Survey, Mapping, and GIS. Bruce also has a unique ability to lead and manage client staff when called upon, which has been exhibited through his past involvement with other clients.



Brad Sackett, PE Senior Engineer

EDUCATION	REGISTRATIONS	AFFILIATIONS
BS, Chemical Engineering, MIT	Registered Civil Engineer PE 65862 (CA)	American Water Works Association (AWWA)

Brad Sackett specializes in water resource projects for public agencies, which include, but are not limited to: pumping facilities, water pipeline design, gravity sewer main design, water and sewer system master plans, hydraulic modeling analysis, and sewer resource plans for Specific Plan EIRs.

Brad is a Client Leader and Project Manager for both water districts and cities and has been instrumental in assisting clients with in-house projects, while representing these agencies with their constituents as an on-site consultant. Throughout Brad's career, he has been intricately involved in the design, management, and construction support of projects for such clients as Eastern Municipal Water District, Western Municipal Water District, and the Cities of Riverside and St. Helena, to name a few.

His detailed approach ensures that each project integrates flawlessly into master plan requirements from concept through construction. He specializes in operations take-over and integration of systems with a focus on cost effective and efficient transitions.

Sewer Master Plan, Western Municipal Water District, County of Riverside, CA - Brad served as the Project Manager for the Western Municipal Water District Sewer Mast Plan Project. WEBB prepared the Sewer Master plan for Western Municipal Water District, covering a sewer service area of over 11,500 acres of diverse land uses, from high density residential to commercial/industrial business parks and a medical complex. Western currently serves approximately 5,700 edu's and will ultimately serve over 14,400 edu's at current planning levels. While Western has been in existence for over 50 years, sewer service had been provided in limited areas on an as-needed basis. There was no overall plan to guide Western as both in-fill connections were made or new development proposed major new sewer flows into the system. WEBB developed service area boundaries for two diverse and separate sewer service areas (East and West), determined county land uses and flow estimates within the service boundaries, created a hydraulic model with pipes diameters ranging in size from 8-in diameter to 24-in, including gravity sewer mains, seven major lift stations and accompanying forcemains. With the assistance of advanced GIS tools, each existing sewer account was matched to the County's parcel layer and land use mapping for existing flow data. WEBB estimated sewer generation of existing service connections, compared data to existing lift station and metering flow data, estimated individual land use generation rates considering both older development with less water conservation and new development with water conservation built into the house designs, and then calibrated the model. WEBB projected future sewer generation using the new generation rates, evaluated both the existing and future systems for deficiencies and proposed upgrades necessary, developed benefit areas to fund future improvements. WEBB assisted the District in developing a framework for connection fees and funding mechanisms for these the future facilities.

As a sub-set of the overall master plan, WEBB developed a water and sewer facilities report for the Mission Ranch sub-area within Western's East Sewer Service Area. This report was the detailed roadmap for the water and sewer infrastructure for proposed development. The report further detailed the required facilities to adequately serve the proposed development per the District's standards, outlined more detailed benefit areas, proposed funding mechanisms for these regional facilities and presented an implementation plan to phase in improvements as the proposed development progressed.

Brad Sackett, PE

Senior Engineer

Non-Potable Water Conveyance System, Western Municipal Water District, County of Riverside, CA - Brad served as the Project Engineer for the Non-Potable Water Conveyance Project on behalf of WMWD. WEBB prepared a study for Western Municipal Water District (WMWD) to analyze the feasibility of importing groundwater from the Riverside Groundwater Basin for use within the District's service area. The study included hydraulic analysis to determine pump station sizing, pipeline sizing, pipeline alignments and storage requirements. The results of the study culminated in the planning, design and construction of the District's non-potable water conveyance project. This ambitious and important project consisted of approximately 36,500 linear feet of 24-inch diameter pipeline, a 3 acre-foot open concrete lined water storage reservoir, and three pumping plants, 7200 GPM (600 HP), 7200 GPM (1200 HP), and 3600 GPM (450 HP) to deliver water from both the Gage Canal and Riverside Canal to WMWD's existing 1,400' and 1,666' pressure zone agricultural system. The improvements are consistent with the District's long-term plans to limit agricultural use of water suitable for domestic service by providing non-potable supply from local groundwater rights. WEBB also provided complete planning alignment studies, environmental documentation and permitting; design; surveying; right-of-way engineering; construction management support, construction staking, and inspection.

Hamner Trunk Sewer Project, Jurupa Community Services District, County of Riverside, CA - Brad served as the Project Manager for the Hamner Avenue Trunk Sewer Project. WEBB worked on the final design for a deep (24+ ft) 12" diameter gravity sewer main within the Hamner Avenue right-of-way from Celebration Drive to 1,400 feet south of 58th Street. The alignment of the proposed sewer main will parallel the proposed CDA product water pipeline in Hamner Avenue. The proposed sewer main is located within the City of Eastvale public right-of-way and a private easement. The project allows Jurupa Community Sewer District to convey existing domestic sewage to their regional trunk sewer facilities for treatment at the WRCRWA wastewater treatment facility, eliminating a connection to the SARI pipeline. The existing right-of-way is crowded with numerous existing utilities including the 42" diameter SARI pipeline, 60"storm drain, 30" JCSD potable water pipeline, 24"diameter Norco water pipeline, 16" diameter gas line, an abandoned sewer force main, two fiber optic cables, an Edison electric line, several other smaller dry utilities and two traffic signals.

Product Water Line - Chino Desalter Phase II Expansion, Chino Basin Desalter Authority, County of Riverside, CA Brad served as the Project Engineer for the Product Water Pipeline in Hamner Avenue for the Chino Desalter Phase II Expansion. WEBB prepared the final design for 30" diameter welded steel pipeline within the Hamner Avenue right-of-way from Riverside Drive in the north and crossing the Santa Ana River on the southerly end and replacing pipelines in the Detroit Street Bridge over the I-15 Fwy for the final connection WMWD's Arlington Desalter pipeline. The proposed pipeline is located within the Caltrans, City of Ontario, the City of Eastvale and the City of Norco public right-of-way and an easement crossing the river. The project allows the CDA to convey treated water to JCSD, City of Norco and WMWD through proposed connections. The existing right-of-way is crowded with numerous existing utilities including the 42" diameter SARI pipeline, 60"storm drain, 30" JCSD potable water pipeline, 24"diameter Norco water pipeline, 16" diameter gas line, an abandoned sewer force main, two fiber optic cables, an Edison electric line, fuel lines and numerous other smaller dry utilities and traffic signals. The pipeline is currently under construction.

Vista Ellis Improvement Project – Eastern Municipal Water District, County of Riverside, CA - Brad served as the Project Manager for the Vista Ellis Improvement project which includes a 5,600 GPM booster pump station, a 5.63 MG steel tank and over 23,000 l.f. of 18" and 24" diameter transmission pipeline connecting the facilities. Webb was responsible for hydraulic modeling, site selection of the booster station and storage tank, preliminary design, CEQA analysis and the final design of all phases. The proposed pipeline is located within the City of Menifee and the County of Riverside public right-of-way and an easement a RCFC&WCD channel. The project allows EMWD to add storage to the 1698' pressure zone and convey adequate water supplies to the 1815' pressure to balance filling the Creag and Vista tanks to address water quality and hydraulic issues within the current system. Detailed connection and shutdown analysis was prepared for all pipeline connections in preparation of complex shutdown planning during construction. All three phases are currently under construction.



Dilesh Sheth, PE, TE Vice President

FDUCATION	REGISTRATIONS
FIJUUALIUM	BEGISTRATIONS

BS, Civil Engineering, University of Saurastra, Rajkot, India

Registered Civil Engineer PE 65078 (CA) PE 14934 (NM) Registered Traffic Engineer, TE 2112 (CA)

AFFILIATIONS

Vice President, American Public Works Association (APWA) Coachella Valley Past President, Riverside-San Bernardino Institute of Transportation Engineers (ITE)

Dilesh Sheth is Vice President and the Director of the Traffic and Transportation Department for Albert A. WEBB Associates. As an expert, Dilesh represents the firm, as well as both public and private clients, presenting findings and recommendations to elected officials, municipal commissions, community groups, and the general public.

Having coordinated projects with Caltrans and numerous counties, cities, flood control districts, utility companies, residential and business owners throughout Southern California, Dilesh specializes in mastering agency requirements and goals, which contributes to his unique ability to balance the needs of the community with the needs of local jurisdictions to bring positive solutions to difficult situations and projects.

Dilesh's technical experience includes: highway design, intersection and interchange improvements, street widening, alignment studies, and geometrics drawings. His recent projects include a diverse range of roadway improvements, storm drain improvements, traffic signal design, traffic control plans, signing and striping plans, pedestrian and bike facilities, site access evaluation, intersection capacity analysis, traffic forecasting, circulation planning, traffic impact studies, parking studies, parking demand analysis, transportation demand management plans, focused site specific traffic studies, and areawide circulation studies.

Dilesh is a registered civil engineer in the states of California and New Mexico and a registered traffic engineer in the state of California. He is the current Vice President of the American Public Works Association, Coachella Valley Branch and was past President of the Riverside/San Bernardino County Institute of Traffic Engineers.

Palm Springs MDP Line 43 and Lateral 43-A, Riverside County Flood Cntl & WCD, County of Riverside, CA - Dilesh provided traffic engineering services for the Palm Springs MDP Line 43 and Lateral 43-A project. The completion of the Line 43 and Lateral 43-A is an important component to the flood protection that the Eagle Canyon Dam will provide to this portion of Cathedral City. This Master Plan facility is the main link from the proposed dam to the West Cathedral Canyon Channel. However, as is the very nature of master planning these types of facilities, the criteria used to establish facility type and location are subject to changes over time. This is definitely the case with Line 43 and Lateral 43-A. Since the time that the Master Plan was developed in 1982, several changes have occurred in the area. Some of these changes include the construction of new businesses, the removal of other businesses, and the re-designation of Highway 111 from a state highway to a local highway. Not to mention the changes in rainfall values. Recognizing these changes, WEBB evaluated alternative alignments to prepare a Project Design Report.

Perris Boulevard and Storm Drain Project, City of Perris, CA - Dilesh was the project manager responsible for preparation of traffic control plans for Perris Boulevard for the construction of storm drain and street improvements. The project included

Dilesh Sheth, PE, TE

Vice President

traffic signal design for the intersection of Perris Blvd. and Globe Avenue and Perris Blvd. and Project Driveway and temporary traffic signal and traffic control plans for the installation of storm drain and construction of Perris Blvd. Perris Blvd. is a heavily traveled roadway connecting City of Moreno Valley and City of Perris. Perris Blvd. was a two lane roadway in the project vicinity. During construction it was important that provide one lane each direction and left turn lane at the intersection of Perris Blvd. and Globe Street. The traffic control plans were prepared to provide contractor as much room possible to achieve higher production at the same time provided traffic safety and less inconvenience to public.

Indian Avenue Street Widening and Drainage Infrastructure Improvements (Lateral B-3), First Industrial Realty Trust, Inc., Moreno Valley, CA - Dilesh served as the Traffic Engineer for the Indian Anenue Street Widening and Drainage Infrastructure Improvements (Lateral B-3) Project. This project consisted of widening the roadway from two to four lanes, landscape improvements, water quality treatmen control, and included the design of over 6,000 feet of backbone drainage infrastructure for the City of Moreno Valley. These facilities will be constructed as part of CFD No. 7 under the direction of the City. WEBB's responsibilities included the update of master plan hydrology, storm drain design, utility relocation, traffic signal modification, traffic control coordination, contract document preparation, and construction assistance. Traffic control also had to be coordinated for review and approval by both cities.

Washington Street Turn Lanes, City of La Quinta, CA - Dilesh served as the Project Manager for The Washington Street Turn Lanes Project. WEBB prepared plans, specifications, and estimate (PS&E), and contract bid documents for the Washington Street Dual Left Turn at Avenue 48 and Washington Street Dedicated Right Turn at Eisenhower Drive projects to increase traffic capacity in this area of La Quinta. These projects required preparation of street improvement, traffic signal modification, and signing & striping plans. In addition, the project also required utility coordination and relocation, removal and replacement of landscaping, and preparation of legals and plats for additional right-of-way.

The proposed improvements at Washington Street and Avenue 48 widened the southbound approach westerly approximately 6' and reduced the existing median nose to 2' to accommodate a second southbound left turn lane onto eastbound Avenue 48. Widening Washington Street required the removal and replacement of curb and gutter, sidewalk, bus turnout, catch basin, ADA compliant access ramps, traffic signal poles, traffic signal cabinet, traffic signal service cabinet, service meter pedestal, power pole, transformer box, signs, ground cover, and irrigation.

Varner/Monterey Street Improvements, County of Riverside - EDA, Riverside, CA - Dilesh served as the Project Manager for The Varner/Monterey Street Improvements Project. Mr Sheth was responsible for the preliminary and final engineering for approximately 2 miles of street improvements. Dilesh led the Caltrans Encroachment Permit Process, alignment study, Project Design Report, environmental, utility relocation, right-of-way acquisition, preparation of Plans, Specification, and Cost Estimate (PS&E), retention basin, and construction administration effort. The project included street widening, 6 acre retention basin, storm drain improvements, 2400' long sound wall, 2000' long concrete barrier along I-10, relocation of transmission and distribution lines, right-of-way acquisition, right-of-entry from 50+ home and business owners, and relocation of gas and water meters. The project required coordination with Caltrans, County of Riverside, Imperial Irrigation District, Coachella Valley Water District, the Gas Company, Verizon, Time Warner, homeowners, business owners, and land owners.



Jospeh Caldwell, PE, CPESC, CPSWQ

Director - Stormwater Engineering

MS, Civil Engineering, Brigham Young University BS, Civil Engineering, Brigham Young University

PE 67239 (CA) CPESC No. 5311 CPSWQ No. 544

Qualified SWPPP Developer/Practitioner QSD/QSP No. 00076

Construction General Permit Trainer of Record

AFFILIATIONS

American Society of Civil Engineers (ASCE) American Public Works Association (APWA) CA Storm Water Quality Association (CASQA) Floodplain Managers Association (FMA) ACE Mentor

As an expert in Hydrology and Hydraulics, Joseph Caldwell leads the firm's Stormwater Engineering Department, focusing on the development of Master Drainage Plans, the design of backbone drainage infrastructure, and the design of water quality systems for flood control projects throughout the region. As a Certified Professional in Erosion and Sediment Control and Storm Water Quality, Joseph is a specialist in water quality and environmental compliance.

Joseph's experience includes the design of regional flood control basins, a flood control levee, Master Drainage Plans, and the design and construction of several miles of backbone drainage infrastructure. He has also hydrologically and hydraulically modeled the San Jacinto River from Railroad Canyon to the existing Army Corps levee in the City of San Jacinto. Having managed previous projects within this region. Joseph has extensive knowledge of the local agencies's design standards and procedures. Joseph's knowledge of the District and his relationships with District staff will enable him to expedite this project through completion.

Varner/Monterey Street Improvements, County of Riverside - EDA, Riverside, CA - Joseph served as the Drainage Engineer for The Varner/Monterey Street Improvements Project. Mr Caldwell was responsible for the preliminary and final engineering for approximately 2 miles of storm drain improvements for this project. The improvements for this project also included street widening, 6 acre retention basin, 2,400 foot sound wall, 2,000 foot long concrete barrier along Interstate 10, relocation of transmission and distribution lines, right-of-way acquisition, right-of-entry from 50+ home and business owners, and relocation of gas and water meters.

Palm Springs MDP Line 43 and Lateral 43-A, Riverside County Flood Control & WCD, County of Riverside, CA - Joseph is the Project Manager for this project, responsible for the design of a drainage line from the Eagle Canyon Dam to the West Cathedral Canyon Channel. Choosing the proper alignment in order to minimize the variety of impacts that could have arisen within the project area was the most critical element of this project. The chosen alignment had to take into consideration the future redevelopment of the City owned property immediately downstream of Eagle Canyon Dam, impacts to the existing commercial businesses, and the heavy traffic volume on Highway 111. In order to address these critical issues, Joseph managed the development of a Preliminary Design Report for this project. During Final Design, Joseph coordinated the relocation of several major utilities along the project alignment.

Wildwood Creek Basin, City of Yucaipa - City of Yucaipa, CA - Joseph was the Project Manager of the Wildwood Creek Basin Project. This project is located along Wildwood Creek, south of Wildwood Canyon Road and easterly of Holmes

Jospeh Caldwell, PE, CPESC, CPSWQ

Director - Stormwater Engineering

Street, in the City of Yucaipa. WEBB designed a multi-purpose watershed basin for the City of Yucaipa in Wildwood Creek. The project consists of hydraulic analysis of the basin including sediment transport modeling, right-of-way mapping of the project site, and preliminary engineering and landscape plans. WEBB's environmental scope on this project included technical studies (biological and cultural resources, jurisdictional delineation, and air quality impact analysis), CEQA compliance, and environmental permitting. WEBB coordinated with the City to prepare and circulate for public and agency review the Initial Study/Mitigated Negative Declaration. WEBB prepared a Board Package with responses to comments received. Environmental permitting for this project includes coordination with the U.S. Army Corps of Engineers, Regional Water Quality Control Board, Santa Ana Region, and the California Department of Fish and Game to obtain a Clean Water Act Section 404 permit, Section 401 Water Quality Certification and Streambed Alteration Agreement.

Hemet MDP Line C, Stage 4, Riverside County Flood Control & WCD, City of Hemet, CA - Joseph is the Project Manager for the Hemet MDP Line C, Stage 4 Project. The extension of the Hemet MDP Line C is an important component to provide surface flooding relief and flood protection of a predominately developed portion of the City of Hemet. This segment of the Master Plan Facility represents the middle one third of the entire Line C system. The critical component of this project is implementing a master planned facility in a highly urbanized area of the City that is extremely constrained by multiple utilities. WEBB has completed a Preliminary Design Report that outlines the most feasible alignment for this facility. WEBB is currently preparing final design plans and specifications for this backbone drainage facility.

Michigan Street Improvements, City of Grand Terrace, City of Grand Terrace, CA - Joseph served as the Drainage Engineer for the Michigan Street and Master Storm Drain Improvement Project. As part of this project a comprehensive Stormwater Master Plan was prepared for the City. Constraints provided by existing undersized downstream facilities and minimal undeveloped areas within the City required a creative detailed approach to develop feasible solutions for the City. This project not only enabled the drainage infrastructure to be properly sized and designed for the Michigan Street Improvement Project, it also provided the City with a comprehensive blueprint for future drainage improvements within the City.



Cheryl DeGano
Principal Environmental Analyst

EDUCATION	AFFILIATIONS
BA, Biology, University of California Riverside	Association of Environmental Professionals (AEP) AEP Inland Empire Chapter President 2013, Newsletter Editor 2010, Co-Vice President of Programs 2009, Representative to the Legislative Review Committee 2005-2009 American Planning Association (APA)

Cheryl DeGano is experienced in the preparation of environmental and planning documents and assisting public agencies and private sector clients finance public facilities/services through the formation and administration of special finance districts and the preparation of development impact fee studies. Strengths include: communication and analytical skills, establishment and maintenance of excellent client relationships, proven ability to take over large projects with minimal disruption to client, experience with high profile and controversial studies, and a desire to work collaboratively toward a common goal. Ms. DeGano has been responsible for the preparation and processing of environmental and planning documents including Environmental Impact Reports, Environmental Assessments, Initial Studies and Mitigated Negative Declarations, Mitigation Monitoring and Reporting Programs (MMRPs), Specific Plans, Development Impact Fee ("Nexus") Studies per California Government Code 66000 et seq., and Development and Entitlement Applications.

Ms. DeGano has been responsible for all aspects of these projects including: research, data collection and analysis, report writing, quality assurance/quality control review, preparation of distribution lists, direction of public noticing, project management, and agency and client coordination.

Edgemont Water Master Plan, City of Moreno Valley, CA - Cheryl served as the Project Manager for The Edgemont Water Master Plan Update - Initial Study/Environmental Assessment Project. The City of Moreno Valley adopted a General Plan Update which updated land use and zoning within the study area boundaries. The land use categories consisted of diverse zoning designations ranging from single family residential to multi-family higher density residential, including commercial and business park/industrial land uses. WEBB was retained to evaluate the existing water system including the Edgemont Water Master Plan and prepare environmental documents in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). After completing a simulation of maximum day demands from future development using a computer hydraulic model, the required system improvements were determined and construction and project costs were developed. These costs were applied in calculating the Added Facility Charges. With respect to environmental compliance, WEBB prepared an Initial Study/Environmental Assessment (IS/EA), which led to the adoption of a Mitigated Negative Declaration (MND) by the City and a Findings of No Significant Impacts (FONSI) by the Environmental Protection Agency (EPA). The IS/EA evaluated different project alternatives in addition to the no project alternative. CEQA/NEPA compliance services provided by WEBB included preparation and circulation of the IS/EA and MND/FONSI, preparation of a Mitigation Monitoring and Reporting Program (MMRP), preparation of responses to comments, and preparation of all required CEQA and NEPA notices.

Environmental Services - Master Sewer Plan, County of Riverside, CA - Cheryl was Project Manager and prime author for an initial study/mitigated negative declaration that provided a program-level analysis for implementation of the Jurupa Community Services District Master Sewer Plan, Master Sewer Plan Addendum, Master Sewer Plan Addendum No. 2, the Eastvale Master Sewer Plan Update, Eastvale Master Sewer Plan Update Addendum No. 1, and a project level analysis for the construction and operation of the several trunk sewer pipelines, a new force main sewer, and new pump station.

Cheryl DeGano

Principal Environmental Analyst

In addition to CEQA consulting services, WEBB provided planning, design engineering services (i.e., preparation of plans and specifications, design surveying, coordination with utility companies and governmental agencies, and coordination with Caltrans). WEBB also provided project management services including construction surveying, construction inspection, review of submittals, review of partial pay estimates, preparation of change orders, and coordination with contractors on behalf of JCSD.

Tequesquite Landfill Photovoltaic Project, City of Riverside, CA - Cheryl served as Project Manager for The Tequesquite Landfill Photovoltaic System Project. WEBB worked with the City of Riverside Public Utilities Department to provide environmental consulting services and prepare CEQA documents for the Tequesquite Landfill Photovoltaic System. This project entails construction and operation of a 10 megawatt (MW) photovoltaic (PV) system on the top of the closed Tequesquite Landfill and utility line replacements or upsizing. The closed landfill is located within the City of Riverside adjacent to the Jurupa Regional Park and the Santa Ana River. The landfill is also within the Airport Influence Area and Compatibility Zone E of two airports - Riverside Municipal and Flabob.

Vista & Ellis Zones Water System Improvement, County of Riverside, CA- Cheryl served as the Environmental Task Manager for preparation of an Initial Study/Mitigated Negative Declaration for the Longview Tank and Pipelines and Watson Booster Station and pipelines project. The project evaluated the impacts of water facilities needed to remedy deficiencies to the Ellis (1693) Pressure Zone and all zones that currently obtain water supply through the Ellis Zone and relocating the Vista Booster Station to balance supply to the Vista (1811) Pressure Zone. The facilities evaluated in the IS/MND includes a storage reservoir and its associated piping, constructtion of a new booster station and its associated piping, and demolition of an existing booster station. Environmental issues affecting the project include potential jurisdictional waters, on-site Stephen's kangaroo rat habitat, and aesthetics. Webb's work included responding to a substantial number of comments received from property owners adjacent to the proposed facility.

San Jacinto MDP Lines C, C4, C5, and B, City of San Jacinto, CA - As Project Manager, Cheryl was responsible for directing WEBB's Project Team, coordination with the lead and responsible agencies' project manager, and quality assurance review of the initial study/notice of preparation, CEQA notices, and the Draft EIR and Final EIR. The boundary of the San Jacinto Valley Master Drainage Plan (SJV-MDP) includes areas within two existing master drainage plans (MDPs), the San Jacinto MDP and Northwest Hemet MDP, in addition to areas not previously included in an MDP. The boundaries of the SJV-MDP encompasses approximately 27.4 square miles within the cities of San Jacinto, Hemet, and unincorporated Riverside County. Thus, the analysis and mitigation measures in this EIR had to consider these jurisdictions in addition to the Riverside County Flood Control and Water Conservation District. In addition to the administration, construction, and maintenance of the storm drain facilities identified in the SJV-MDP, the EIR analyses also impacts the San Jacinto Regional Area Drainage Plan Amendment. Area drainage plans are financing mechanisms for facilities identified in MDPs.

The EIR includes a program level analysis of aesthetics, agricultural resources air quality (including greenhouse gases emissions), biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, and population and housing as well as the other CEQA mandated topics (i.e., cumulative impacts, growth inducing impacts). The SJV-MDP proposes facilities within Criteria Cells identified in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Therefore, the EIR includes mitigation measures that provide a road map for MSHCP compliance. Regarding the alternatives analysis, the EIR includes an extensive discussion of alternatives considered but rejected by the lead agency, the "no project" alternative, which for this project was the existing MDPs, and an alternative to revise the existing MDPs.



Shane Spicer
Director – Municipal Finance

EDUCATION

MBA, Finance, Cal State San Bernardino BS, Physical Science/Mathematics, California Baptist College

AFFILIATIONS

California Society of Municipal Finance Officers (CSMFO) California Special Districts Association (CSDA) Committee on Assessments Special Taxes and other Financing Facilities (CASTOFF)

Shane Spicer serves as Director of Albert A. Webb Associates' (WEBB) Municipal Finance Department, is the Market Leader for Municipal Finance Agencies, and provides district administration services to municipalities throughout California for their special financing districts. Hehas developed expertise in administering special districts including 1972 Act Landscaping Lighting Maintenance Districts, 1915 Act Assessment Districts, Community Facilities Districts, 1982 Act Benefit Assessment Districts, and NPDES Storm Water Discharge Districts. Shane has provided full formation, administration, and consulting services including Proposition 218, formore than 100 special districts for municipalities throughout southern California including Alameda, Los Angeles, Ventura, Madera, San Bernardino, San Diego, and Riverside. Shane and his team were also responsible for placing more than 1,190,000 charges on the tax roll totaling more than \$143.6 million the most recent fiscal year.

His responsibilities include the placement of assessments and special taxes on the Riverside County Secured Tax Roll, assisting in annual budget preparation, tracking parcel/district development, preparation of reports, and assisting public agencies in forming CFDs and LMDs.

Shane has worked extensively with WEBB's IT Department and leading software development for the firm's proprietary software to develop WebbSTARTM. This system includes cutting-edge technology to provide the most accurate and complete assessment information for managing its special districts.

Administration/Formation Services, Eastern Municipal Water District (EMWD), CA – Shane serves as the Principal-in-Charge for the Annual Administration and Formation services for Eastern Municipal Water District. Shane supervises the preparation of the annual charges and enrollments for twenty four (24) Community Facilities Districts consisting of more than 7,700 parcels. The CFDs provide funding for the construction and acquisition of street, sewer, water, and school facilities. The administration and formation services we provide include database maintenance, budget preparation and review, levying of Special Taxes, property owner services, municipal disclosure compliance, and delinquency management.

Administration Services, City of Chino, CA – Shane serves as Principal-in-Charge for the Annual Administration services for the City of Chino. Shane supervises the preparation of the annual charges and enrollments for six Landscape Maintenance Districts and fifteen Community Facilities Districts consisting of more than 12,140 parcels. The LMDs provide landscape maintenance, park maintenance, and lighting services to property owners. The bonded CFDs provide funding for the construction and acquisition of streets, sewer, water, and park facilities. The maintenance CFDs provides for landscape maintenance, park maintenance, and lighting services to property owners. The administration services we provide include database maintenance, budget preparation and review, annual Engineer's Report preparation, levying of Special Assessments and Taxes, property owner services, municipal disclosure compliance, and delinquency management.

Shane Spicer

Director - Municipal Finance

Administration/Formation Services, Riverside County Executive Office, CA – Shane is the Principal-in-Charge for the annual Administration of 12 Community Facilities Districts and 10 -1913/1915 Act Assessment District and was responsible for placing approximately 50,000 charges on the tax roll. Shane also served as Project Manager for the Formation of Community Facilities District 07-1 for the acquisition and construction of the expansion of Newport/I-215 Interchange with a debt authorization amount of \$60 million. Recently Shane helped the County refund nearly \$25 million in bonds for AD168 and CFD 04-2 to lower property taxes to homeowners.

Administration/Formation Services, Riverside County Flood Control, CA – Shane is the Principal-in-Charge for the annual Administration of one Benefit Assessment District, three NPDES Watershed Benefit Assessment Districts, and one 1913/1915 Act Assessment District and he was responsible for placing more than 520,000 charges on the tax roll. Shane was also an Assistant Project Manager for the Formation of Community Facilities District F05-1 for the acquisition of flood control and storm water drainage facilities with a debt authorization amount of \$100 million.

Administration/Annexation/Formation Services, Jurupa Community Services District (JCSD), CA - Shane is the Principal-in-Charge for the Annual Administration, Annexation, and Formation services for JCSD. Shane supervises the preparation of the annual charges and enrollments for 53 Special Districts (comprised of over 51,000 parcels). The Special Districts include 45 Community Facilities Districts and 8 Landscape Maintenance Districts within the boundaries of JCSD, including the recently incorporated City of Eastvale. The bonded CFDs provide funding for the construction and acquisition of sewer, water, and park facilities. The services CFDs provide for the maintenance of landscaping, lighting, and parks. The LMDs provide landscape maintenance, park maintenance, and lighting services to property owners. The services we provide include database maintenance, budget preparation and review, annual Engineer's Report preparation, levying of Special Assessments and Taxes, property owner services, municipal disclosure compliance, and delinquency management.

Formation/Annexation/Administration Services, City of Desert Hot Springs, CA – Shane is the Principal-in-Charge providing all of the Special District Services for the City of Desert Hot Springs' Districts. These Districts include the Citywide Landscaping and Lighting District, Drainage Benefit Assessment District containing 17 zones, Landscape Maintenance District containing 18 zones, three Assessment Districts, two Community Facilities Districts, two public safety measure tax districts, and three tax roll billings for disposal and nuisance abatement services. Shane was responsible for forming the City's first Bonded CFD 2006-1 debt authorization amount of \$100 million and Maintenance CFD 2010-1. In addition to being Project Manager for the City's formation/annexation services, Shane is Project Manager for the administration services which included the enrollment of over 38,000 charges for \$5.9 million on the Fiscal Year 2013-14 Secured Tax Roll for the City.

Administration/Formation Services, City of Riverside, CA – Shane serves as the Principal-in-Charge for the Annual Administration and Formation services for the City of Riverside. Shane supervises the preparation of the annual charges and enrollments for four Landscape Maintenance Districts, five Community Facilities Districts, five Assessment Districts, and one Library Taxing District, consisting of more than 149,000 parcels. The LMDs provide landscape maintenance, park maintenance, and lighting services to property owners. The CFDs provide funding for the construction and acquisition of streets, sewer, water, and park facilities. The ADs provide for the construction and acquisition of streets, sewer, and water facilities. The services we provide include database maintenance, budget preparation and review, annual Engineer's Report preparation, levying of Special Assessments and Taxes, property owner services, municipal disclosure compliance, and delinquency management.



Andy Y. Orosco, LS

Director - Land Survey & Mapping Services

EDUCATION AFFILIATIONS

Surveying & Engineering, San Bernardino Valley College & Riverside Community College

California Land Surveyors Association (CSLA)

With over 36 years of experience with diverse surveying projects, Andy Orosco is the Director of Land Survey for Albert A. Webb Associates. Andy has managed survey projects that include large scale boundary and design surveys, ALTA land title surveys, legal descriptions, parcel mergers, lot line adjustments, route surveys, encumbrance and final maps, construction control maps, high-rise Class A, residential, commercial and industrial construction. As a Licensed Land Surveyor in California and a Certified Federal Surveyor, Andy is an expert in his field and with local, county, state, and federal land survey regulations and procedures.

- Highway 74 Design and Construction Management, CA
- Mission Plaza Master Planned Community, Riverside County EDA, CA
- · Construction Staking and Survey Cedar Glen, CA
- Clay Street Grade Separation Relocation, CA
- Plant Expansion Project, Western Riverside County Regional Wastewater Authority, Riverside County, CA
- Vista & Ellis Zone Water System Improvements, Eastern Municipal Water City, Riverside County, CA
- Hamner-Detroit Product Water Pipeline, Chino Basin Desalter Authority, Riverside County, CA
- 2320 PZ Reach 1 Pipeline, Western Municipal Water City, Riverside County, CA
- I-10 & Indian Area Sewer System, Mission Springs Water City, CA
- Lakeside Lift Station Project, Jurupa Community Services City, CA
- 2011 Waterline Replacement Project, City of Ontario, CA
- 30 inch & 18 inch Water Main Improvements, Jurupa Community Services City, CA
- 2010-2011 Waterline Replacement Project, Jurupa Community Services City, CA
- CDA Raw Water Intertie Pipeline, Chino Basin Desalter Authority, CA
- Jurupa Road Trunk Sewer Improvements, Jurupa Community Services City, CA
- Mockingbird 12-inch Emergency Pipeline, Western Municipal Water City, CA
- Jurupa Trunk Sewer Phases 3 & 5, Jurupa Community Services City, CA
- Regional Wastewater Forcemain to Riverside Wastewater Treatment Plant, CA
- Master Plan Trunk Sewer in Hamner Ave, City of Ontario, CA
- Pyrite Creek/Bain Street Trunk Sewers, Jurupa Community Services City, CA
- Rubidoux Inter-Connect Booster Station, Jurupa Community Services City, CA
- Waterline Relocation at Wineville & 65th, Santa Ana River Water Company, CA

NAME	
Land Advisors Organization	DESCRIPTION OF SUBCONSULTANT'S WORK:
TELEPHONE 858-568-7428 x12	Market analysis. Work with WEBB and the City to identify where development is
ADDRESS 9707 Waples Street	expected to occur which will be key to the customization of the phasing plan.
CITY, STATE ZIP	
San Diego, CA 92121	

NAME AMEC	DESCRIPTION OF SUBCONSULTANT'S WORK:
TELEPHONE 951-369-8060	Prepare draft Habitat Suitability Assessment/ MSHCP Compliance Report. Evaluate
ADDRESS 3120 Chicago Avenue	project site for jurisdictional resources and prepare a report that defines the methods
CITY, STATE ZIP Riverside, CA 92507	and results of a feild assessment.

NAME	
RGI	DESCRIPTION OF SUBCONSULTANT'S WORK:
TELEPHONE 951-279-7900	Conduct research of existing utility and identify utilities that could potenitally conflict
ADDRESS	pipeline alignment.
218 N Lincoln Avenue	
CITY, STATE ZIP	
Corona, CA 92882	

NAME	
Landmark Consultants, Inc.	DESCRIPTION OF SUBCONSULTANT'S WORK:
TELEPHONE 760-360-0665	Conduct geotechnical investigation. Perform subsurface exploration and analysis,
ADDRESS	including in-place moisture and density tests,
77-948 Wildcat Drive	review existing maps etc.
CITY, STATE ZIP	
Palm Desert, CA 92211	

NAME	
Overland, Pacific, & Cutler, Inc.	DESCRIPTION OF SUBCONSULTANT'S WORK:
TELEPHONE 951-683-2353	Perform right-of-way research to ensure the needed right-of-way are acquired and
ADDRESS	provide certification for Caltrans project
2280 Market Street, Suite 200	clearance.
CITY, STATE ZIP	
Riverside, CA 92501	
	_

NAME	
CRM Tech	DESCRIPTION OF SUBCONSULTANT'S WORK:
TELEPHONE	
909-824-6400	Update historical/archaeological resources survey in accordance with secretary of
ADDRESS	interior standards and in complaince
1016 E Cooley Drive	with section 106 of the National Historic
CITY, STATE ZIP	Preservation Act.
Colton, CA 92324	

NAME	
	DESCRIPTION OF SUBCONSULTANT'S WORK:
TELEPHONE	
ADDRESS	
CITY, STATE ZIP	

NAME	
	DESCRIPTION OF SUBCONSULTANT'S WORK:
TELEPHONE	
ADDRESS	
CITY, STATE ZIP	

PROPOSER'S LIST OF SUBCONSULTANTS (DBE AND NON-DBE) - PART I

The proposer shall list all subconsultants (both DBE and non-DBE) in accordance with Section 2-1.054 of the Standard Specifications and per Title 49, Section 26.11 of the Code of Federal Regulations. This listing is required in addition to listing DBE subconsultants elsewhere in the proposal. **Photocopy this form for additional firms.**

-370-3000	 \$1 million Conduct geotechnical investigation. Perform subsurface exploration \$5 million and analysis, including in-place moisture and density tests, review \$10 million existing maps etc. Two geotechnical reports will be submitted to the \$15 million City. \$15 million Perform right-of-way research to ensure the needed right-of-way are \$5 million acquired and provide certification for Caltrans project clearance. 	
Second	< \$5 million and analysis, including in-place moisture and density tests, review < \$10 million existing maps etc. Two geotechnical reports will be submitted to the < \$15 million > \$15 million Perform right-of-way research to ensure the needed right-of-way are < \$5 million acquired and provide certification for Caltrans project clearance.	□ NO If YES list DBE #: 541330 / 541380 Age of Firm (Yrs.)
S	 \$10 million existing maps etc. Two geotechnical reports will be submitted to the \$15 million \$1 million Perform right-of-way research to ensure the needed right-of-way are \$5 million acquired and provide certification for Caltrans project clearance. 	If YES list DBE #: 541330 / 541380 Age of Firm (Yrs.) 32
18 Wildcat Drive Fax □ < \$15 million ate ZIP 760-337-8900 □ < \$15 million	< \$15 million City. > \$15 million City.	541330 / 541380 Age of Firm (Yrs.) 32
are ZIP Desert, CA 92211 and, Pacific, & Cutler and, Pacific, & Cutler Side, CA 92501 Tech E Cooley Drive E Cooley Drive The ZIP The CA 92324 The	> \$15 million Perform right-of-way research to ensure the needed right-of-way are < \$5 million acquired and provide certification for Caltrans project clearance.	Age of Firm (Yrs.) 32
Desert, CA 92211 Phone □ <\$1 million	 *1 million Perform right-of-way research to ensure the needed right-of-way are *5 million acquired and provide certification for Caltrans project clearance. 	32
and, Pacific, & Cutler ss Market Street, Suite 200 Fax C	 *1 million Perform right-of-way research to ensure the needed right-of-way are *5 million acquired and provide certification for Caltrans project clearance. 	
and, Pacific, & Cutler ss Market Street, Suite 200 Fax ate ZIP Side, CA 92501 For E Cooley Drive The CA 92324 Fax C S 10 million Ss E Cooley Drive Fax C S 10 million Ss C S million C S 10 million	<\$5 million acquired and provide certification for Caltrans project clearance.	□ YES
Sandarket Street, Suite 200		ON 🔀
Market Street, Suite 200 Fax □ < \$15 million ate ZIP □ > \$15 million Side, CA 92501 □ > \$15 million Tech □ < \$1 million	A \$10 million	If YES list DBE #:
side, CA 92501 951-683-3901 D > \$15 million Tech Phone C < \$1 million	□ < \$15 million	
Side, CA 92501 Phone C \$1 million Tech 909-824-6400 \(\begin{array}{c} \equiv \text{\${\end{ar}}\$}}\$}\$}\$}\$<0\$<-\$\$\$\$ \$\$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$	\$15 million	Age of Firm (Yrs.)
Tech Phone □ <\$1 million ss □ <\$10 million	30	30
SS	< \$1 million Update historical/archaeological resources survey in accordance	□ YES
SS Cooley Drive Fax □ <\$10 million ate ZIP 909-824-6405 □ >\$15 million n, CA 92324 □ hone □ <\$1 million	with secretary of interior standards and in complaince with section	ON 🔀
E Cooley Drive Fax □ □ ate ZIP □ 909-824-6405 □ □ □ n, CA 92324 □ □ Phone □ □ □ ss □ □ □	106 of the National Historic Preservation Act.	If YES list DBE #:
ate ZIP n, CA 92324 Phone Phone ss	□ < \$15 million	
n, CA 92324 Phone	\$15 million	Age of Firm (Yrs.)
Phone Ss	15	15
	<\$1 million	□ YES
	< \$5 million	ON 🗖
	< \$10 million	If YES list DBE #:
Fax		
City State ZIP □ > \$15 million	> \$15 million	Age of Firm (Yrs.)

istribution: 1) Original – Local Agency Fil

Firm Name/	Phone/	Annual	Description of Portion of Work to be Performed	Certified
Address/	Fax	Gross		DBE?
City, State, ZIP		Receipts		
Name	Phone	☐ < \$1 million	Prepare draft Habitat Suitability Assessment/MSHCP Compliance	□ YES
AMEC		☐ < \$5 million	Report. Evaluate project site for jurisdictional resources and prepare	ON 🔀
Address	951-368-8060	☐ < \$10 million	a report that defines the methods and results of a field.	If YES list DBE #:
3120 Chicago Avenue	Fax	☐ < \$15 million	assessment.	541330 / 541380
City State ZIP	951-369-8035	Ĭ > \$15 million		Age of Firm (Yrs.)
Riverside, CA 92507				150+
Name	Phone	☐ < \$1 million	Conduct research of existing utility and identify utilities that could	□ YES
<u> </u>	951-279-7900	✓ < \$5 million	potenitally conflict pipeline alignment.	ON X
Address		□ < \$10 million		If YES list DBE #:
	Fax	□ < \$15 million		
City State ZIP	N/A	□ > \$15 million		Age of Firm (Yrs.)
Corona, CA 92882				N/A
Name	Phone	☐ < \$1 million	Market analysis. Work with WEBB and the City to identify where	□ YES
Land Advisors	858-568-7428 x12	☐ < \$5 million	development is expected to occur which will be key to the	ON X
Address		□ < \$10 million	customization of the phasing plan.	If YES list DBE #:
9/0/ Waples Street	Fax	□ < \$15 million		
City State ZIP	949-852-8108	X > \$15 million		Age of Firm (Yrs.)
San Diego, CA 32121				77
Name	Phone	☐ < \$1 million		□ YES
		☐ < \$5 million		ON \square
Address		☐ < \$10 million		If YES list DBE #:
	Fax	☐ < \$15 million		
City State ZIP		□ > \$15 million		Age of Firm (Yrs.)

Distribution: 1) Original - Local Agency File

3. ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL -

- WEBB's services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal
- WEBB has no exceptions to the provisions and conditions of this Request for Proposal



Corporate Headquarters

3788 McCray Street Riverside, CA 92506 T: 951.686.1070

Palm Desert Office

36-951 Cook Street #103 Palm Desert, CA 92211 T: 760.568.5005

Murrieta Office

41391 Kalmia Street #320 Murrieta, CA 92562 T: 951.686.1070





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Murrieta Office

41391 Kalmia Street #320 Murrieta, CA 92562 T: 951.686.1070 Amended January 12, 2015

Mr. Quang Nguyen, PE Senior Engineer City of Moreno Valley Capital Projects Division 14177 Frederick Street Moreno Valley, CA 92552

Dear Mr. Nguyen:

Albert A. Webb Associates (WEBB) is committed to providing the highest quality service to the City of Moreno Valley and to the "on time" delivery of all aspects of the Edgemont Water System Replacement Project as specified in the RFP. After preparing a detailed scope of work for this project, we have included all the necessary items required to successfully complete Phase 1 of the project and believe our experience with the City will generate an efficient processing of the project deliverables. We propose to conduct this work on a not-to-exceed basis for the total amount of \$430,000. Our scope has been specifically tailored for Phase 1 to meet the critical objectives of cost and schedule.

We have enclosed the following items for the City's review:

- Cost and Man-Hour Breakdown
- Hourly Fee Schedule

The submitted Cost Proposal is valid and binding for ninety (90) calendar days from date of signature and may be mutually extended upon agreement by both parties. We have no comments or requested changes to the PSA.

If you have any questions or require additional information, please let us know.

Sincerely,

Bruce Davis, PE, Principal-in-Charge

Senior Vice President

Albert A. Webb Associates

		We	bb Pers	onnel H	ours										
Task Description	Principal Engineer	Senior Engineer	Associate Engineer III	Associate Engineer II	Admin Assistant	Total Hours		Webb Labor	Expenses		Survey - In house - Webb		Sub-Consultants		Total
Preliminary Design (35% Design)															,
Task 1A - Project Management and Multi-Agency Coordination															
Kick Off Meeting	8	4	_	_	4	16	\$	3,080	\$ 20) \$		\$	_	\$	3,100
Project Schedule / Project Updates	6		_	_		6		1,440	\$ 150		_	\$	_	\$	1,590
Multi-Agency Coordination	24	48	48	-	8	128		24,240	\$ 250		_	\$	_	\$	24,490
Weekly Email Project Updates	16	-	-	_	_	16	1	3,840		\$	-	\$	_	\$	3,840
Internal Project Management / Coordination	40	-	-	-	20	60	\$	11,400		\$	-	\$	-	\$	11,550
Subtotal	94	52	48	-	32	226	\$	44,000	\$ 570	\$	-	\$	-	\$	44,570
sk 1B – Utility Documentation, ROW, Property and Lulity Research															
Utility Research, Survey & Mapping															
ROW mapping for existing alignments	-	-	-	-	-	-	\$	-	\$ -	\$	60,861	\$	-	\$	60,861
Utility Research	-	-	8	-	40	48	\$	4,960	\$ 1,500		-	\$	-	\$	6,460
Compute utilities into mapping	-	16	30	40	-	86	\$	14,500	\$ -	\$	-	\$	-	\$	14,500
BSMWC Well Site Layout															
Site survey / piping Layout for Hydro pneumatic pump station, well pump house, blending tanks	-	4	12	20	-	36	\$	5,940	\$ -	\$	-	\$	-	\$	5,940
Easement Documents															
Right-of-way Cost Estimate	1	-	-	_	2	3		420		\$	-	\$	7,820	\$	8,240
Right-of-way Data Sheets	1	-	-	-	2	3	\$	420	\$ -	\$	-	\$	2,070	\$	2,490
Subtotal	2	20	50	60	44	176	\$	26,240	\$ 1,500	\$	60,861	\$	9,890	\$	98,491
_												<u> </u>		<u> </u>	

	We	bb Pers	onnel H	ours											
Principal Engineer	Senior Engineer	Associate Engineer III	Associate Engineer II	Admin Assistant	Total Hours		Webb Labor	Expenses		vey -	se - V		Sub-Consultants		Total
										ı					
										ı					
1	2	-	-	-	3	\$	640		-	1	-		3,680	\$	4,320
1	2	-	-	-	3	\$	640		-		-		3,680	\$	4,320
2	4	-	-	-	6	\$	1,280	\$	-	\$	-	\$	7,360	\$	8,640
										l					
1	2	_	-	_	3	\$	640		-		-		17,250	\$	17,890
8	24	24	-	12	68	\$	11,880		-		-			\$	11,880
16	30	40	-	12	98	\$	17,720		-		-			\$	17,720
25	50	64	-	24	193	*	30,240	*	-	\$	-	*	17,250	*	47,490
8	8	8	-	-	24	\$	4,880	\$	100	\$	-	\$	-	\$	4,980
2	16	24	-	-	42	\$	7,760	\$	-	\$	-	\$	-	\$	7,760
4	2	8	-	-	14	\$	2,720	\$	-	\$	-	\$	-	\$	2,720
8	4	8	-	-	20	\$	4,080	\$	-	\$	-	\$	-	\$	4,080
8	4	20	-	-	32	\$	6,120	\$	-	\$	-	\$	-	\$	6,120
										•					
3	6	24	-	-	33	\$	6,000	\$	-	\$	-	\$	_	\$	6,000
3	6	12	-	-	21	\$	3,960	\$	-	\$	-	\$	-	\$	3,960
4	6	24	-	-	34	\$	6,240	\$	-	\$	-	\$	_	\$	6,240
										1					
1	2	4	-	-	7	\$	1,320	\$	-	\$	-	\$	-	\$	1,320
1 2	8	24	_	_	34	\$	6,160	\$	_	\$	_	\$	_	\$	6,160
2	0					Ψ.	-,					-			
	2	2	-		4	\$	740	\$	-	\$		\$		\$	740
	1 1 2 1 8 16 25 8 2 4 8 8 8	Principal Senior Engineer Principal Senior Engineer	The state of the	The content of the	Table Second Se	H H H H H H H H H H	H	Hole Hole	The state of the	The content of the	H	The control of the	The part of the	1 2 - - - 3 5 640 - - 3,680 - 3,680 - 3,680 - - 3,680 - - 3,680 - - 3,680 - - 3,680 - - 3,680 - - 3,680 - - 3,680 - - 3,680 - - 3,680 - - - 3,680 - - - 3,680 - - - 3,680 - - - 3,680 - - - 3,680 - - - 3,680 - - - - 3,680 - - - - 3,680 - - - - - - - - -	The color of the

		We	bb Pers	onnel H	ours											
Task Description	Principal Engineer	Senior Engineer	Associate Engineer III	Associate Engineer II	Admin Assistant	Total Hours	Webh Labor			Expenses	nl - vevruS	house - Webb		Sub-Consultants		Total
DOWN .																
ROW/easement needs							_		_				-			
Identify ROW and easement needs for water pipeline	-	8	8	-	-	16		2,960	\$	-	\$		\$	-	\$	2,960
Prepare mapping showing ROW and easement needs	-	4	8	-	-	12	\$	2,160	\$	-	\$	-	\$	-	\$	2,160
Preliminary Utility Coordination																
Identify utility interferences	4	20	24	-	-	48		9,040	\$	250	\$	-	\$	-	\$	9,290
Prepare and mail 1st notice	-	-	8	-	16	24		2,800	\$	-	\$	-	\$	-	\$	2,800
Summarize findings and responses	4	8	8	-	8	28	\$	4,640	\$	-	\$	-	\$	-	\$	4,640
Affected Agencies and Permits																
Coordinate with affected agencies	8	32	16	-	8	64	\$ 1	1,760	\$	150	\$	-	\$	-	\$	11,910
Determine permit requirements	2	8	-	-	-	10	\$	2,080	\$	-	\$	-	\$	-	\$	2,080
nmarize findings and responses	2	4	8	-	4	18	\$	3,000	\$	-	\$	-	\$	-	\$	3,000
🛱 vironmental Documentation																
lendum to the 2010 IS/EA	4	16	-	56	4	80	\$ 1	3,200	\$	-	\$	-	\$	-	\$	13,200
Biological Resources	-	-	-	-	-	-	\$	-	\$	-	\$	-	\$	-	\$	-
Habitat Suitability Assessment	-	1	-	2	1	4	\$	600	\$	-	\$	-	\$	5,060	\$	5,660
Jurisdictional Delineation	-	1	-	2	1	4	\$	600	\$	-	\$	-	\$	5,520	\$	6,120
Focused Burrowing Owl Surveys		1		4	1	6	\$	910	\$	-	\$	-	\$	4,370	\$	5,280
Cultural Resources	-	-	-	-	-	-	\$	-	\$	-	\$	-	\$	-	\$	-
Update Historical Archaeological Resources Survey	-	1	-	-	2	3	\$	380	\$		\$	-	\$	3,968	\$	4,348
Impact to existing improvements																
Select preliminary alignments	12	32	80	-	-	124	\$ 2	22,880	\$	-	\$	-	\$	-	\$	22,880
Determine impacts to existing facilities	4	20	20	-	-	44	\$	8,360	\$	-	\$	-	\$	-	\$	8,360
Summarize findings and responses	2	8	8	-	4	22	\$	3,800	\$	-	\$	-	\$	-	\$	3,800
Traffic Control Plans																
Divide project into stages and typical requirements	2	2	2	-	-	6	\$	1,220	\$	-	\$	-	\$	-	\$	1,220
Prepare concept traffic control plan by reach	2	2	4	-	-	8	\$	1,560	\$	-	\$	-	\$	-	\$	1,560
marize findings and responses	2		4	-	2	8	\$	1,340	\$	_	\$	-	\$	-	\$	1,340
t Estimate																
tal Cost	2	12	24	_		38	\$	6,960	\$	_	\$		\$		\$	6,960
ect Cost	1	12	4			9	\$	1,720	\$		\$		\$	<u> </u>	ψ ¢	1,720
	2	<u>+</u> っ	8			12	\$	2,240	\$		\$		\$	-	\$	2,240
		<u> </u>	O	-	-	12	Ψ	∠,∠ + ∪	Ψ		Ψ		Ψ		Ψ	2,2 4 0
									<u> </u>						<u> </u>	

		We	bb Pers	onnel H	ours							
Task Description	Principal Engineer	Senior Engineer	Associate Engineer III	Associate Engineer II	Admin Assistant	Total Hours	Webb Labor	Expenses	Survey - In house - Webb	Sub-Consultants		Total
Preliminary Design												
Workshops with WMWD	12	12	32	-	8	64	\$ 11,440	\$ 100	\$ -	\$	-	\$ 11,540
Technical Memorandum summarizing findings	16	28	72	-	16	132	\$ 23,120	\$ 50	\$ -	\$	-	\$ 23,170
Revise / finalize preliminary design per comments	10	20	20	-	8	58	\$ 10,520	\$ 50	\$ -	\$	-	\$ 10,570
Subtotal	135	314	520	64	83	1,116	\$ 200,990	\$ 700	\$ -	\$ 18	,918	\$ 220,608
Additional work if requested and approved by the City												\$ 10,201
Preliminary Design Not-to-Exceed Total	258	446	682	124	183	1,717	\$ 302,750	\$ 2,770	\$ 60,861	\$ 53	,418	\$ 430,000

Webb Personnel Category

Principal \$240.00 Senior Engineer III \$200.00

<u>\$/HR</u>

\$90.00

Associate Engineer III \$170.00 \$155.00 Associate Engineer II \$120.00 Field Inspector

> Admin Assistant Fee schedule 38

NOTES: The following notes are considered an integral part of this cost estimate.

1. Hours listed are estimates only, and may shift between tasks as required.



FEE SCHEDULE

	RATES
CLASSIFICATION	\$/HOUR
Engineers/Project Managers/Planners/Scientists/	
Assessment/Special Tax Consultants/Landscape Architects/Designers	
Principal II	240.00
Principal I	220.00
Senior III	200.00
Senior II	190.00
Senior I	180.00
Associate III	170.00
Associate II	155.00
Associate I	145.00
Assistant V	130.00
Assistant IV	120.00
Assistant III	103.00
Assistant II	88.00
Assistant I	73.00
Survey Services	
2-Person Survey Party	220.00
1-Person Survey Party	160.00
Inspection Services	
Inspector (Non-Prevailing Wage)	110.00
Inspector (Prevailing Wage)	120.00
Administrative Services	
Project Coordinator	90.00
Administrative Assistant III	80.00
Administrative Assistant II	70.00
Administrative Assistant I	55.00
Other Direct Expenses	
Incidental Charges	Cost + 15%
Postage	Cost + 15%
Special Consultant	325.00/Hour
Subcontracted Services	Cost + 15%
Survey/Inspection Per Diem	100.00/Day
Survey/Inspection Vehicle	0.81/Mile
Mileage	0.72/Mile

NOTE: All rates are subject to change based on annual inflation and cost of living adjustments.

SCH 38 (07/01/2014)

^{*}A FINANCE CHARGE of 1 ½ % per month (18% per year) will be added to any unpaid amount commencing thirty (30) days from invoice date. A mechanic's lien may be filed for any invoice remaining unpaid after thirty (30) days from invoice date.

EXHIBIT C

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

- 1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
- 2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
- 3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT D

TERMS OF PAYMENT

- 1. The Consultant's compensation shall not exceed \$\(\frac{430,000}{\}\).
- The Consultant will obtain, and keep current during the term of this Agreement, the required City of Moreno Valley business license. Proof of a current City of Moreno Valley business license will be required prior to any payments by the City. Any invoice not paid because the proof of a current City of Moreno Valley business license has not been provided will not incur any fees, late charges, or other penalties. Complete instructions for obtaining a City of Moreno Valley business license are located at: http://www.moval.org/do/biz/biz-license.shtml
- 3. The Consultant will electronically submit an invoice to the City along with documentation evidencing services completed to date as specified in the Request for Proposal. Progress payments will be made in accordance with the payment schedule outlined in the Request for Proposal, but in no case will progress payments be made to the Consultant more frequently than once per month. The progress payment is based on actual time and materials expended in furnishing authorized professional services during the preceding calendar month. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final. The consultant will submit all original invoices to Accounts Payable staff at Accounts Payable questions can be directed to (951) 413-3073.

Copies of invoices may be submitted to the Capital Projects Division at reneh@moval.org or calls directed to (951) 413-3155.

4. The Consultant agrees that City payments will be received via Automated Clearing House (ACH) Direct Deposit and that the required ACH Authorization form will be completed prior to any payments by the City. Any invoice not paid because the completed ACH Authorization Form has not been provided will not incur any fees, late charges, or other penalties. The ACH Authorization Form is located at:

http://www.moval.org/city_hall/forms.shtml#bf

- 5. The minimum information required on all invoices is:
 - A. Vendor Name, Mailing Address, and Phone Number
 - B. Invoice Date
 - C. Vendor Invoice Number
 - D. City-provided Reference Number (e.g. Project, Activity)
 - E. Detailed work hours by class title (e.g. Manager, Technician, or Specialist), services performed and rates, explicit portion of a contract amount, or detailed billing information that is sufficient to justify the invoice amount; single, lump amounts without detail are not acceptable.
- 6. The City shall pay the Consultant for all invoiced, authorized professional services within forty-five (45) days of receipt of the invoice for same.

EXHIBIT E

INSURANCE REQUIREMENTS

Minimum Scope of Insurance

Coverage shall be at least as broad as:

- 1. The most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01, which shall include insurance for "bodily injury," "property damage" and "personal and advertising injury" with coverage for premises and operations, products and completed operations, and contractual liability.
- 2. The most current version of Insurance Service Office (ISO) Business Auto Coverage Form CA 00 01, which shall include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1- Any Auto).
- 3. Workers' Compensation insurance as required by the California Labor Code and Employer's Liability Insurance.
- 4. Professional Liability (Errors and Omissions) insurance appropriate to Consultant's profession.

Minimum Limits of Insurance

Consultant shall maintain limits of liability of not less than:

- 1. General Liability:
 - \$1,000,000 per occurrence for bodily injury and property damage
 - \$1,000,000 per occurrence for personal and advertising injury
 - \$2,000,000 aggregate for products and completed operations
 - \$2,000,000 general aggregate
- 2. Automobile Liability:
 - \$1,000,000 per accident for bodily injury and property damage
- 3. Employer's Liability:
 - \$1,000,000 each accident for bodily injury
 - \$1,000,000 disease each employee
 - \$1,000,000 disease policy limit

4. Professional Liability (Errors and Omissions):

\$1,000,000 per claim/occurrence \$2,000,000 policy aggregate

Umbrella or Excess Insurance

In the event Consultant purchases an Umbrella or Excess insurance policy(ies) to meet the "Minimum Limits of Insurance," this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies).

Deductibles and Self-Insured Retentions

Consultant shall be responsible for payment of any deductibles contained in any insurance policy(ies) required hereunder and Consultant shall also be responsible for payment of any self-insured retentions. Any deductibles or self-insured retentions must be declared to, and approved by, the City Manager or his/her designee. At the option of the City Manager or his/her designee, either (i) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers; or (ii) Consultant shall provide a financial guarantee, satisfactory to the City Manager or his/her designee, guaranteeing payment of losses and related investigations, claim administration and defense expenses. At no time shall City be responsible for the payment of any deductibles or self-insured retentions.

Other Insurance Provisions

<u>The General Liability and Automobile Liability insurance policies</u> are to contain, or be endorsed to contain, the following provisions:

- 1. City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers are to be covered as additional insureds.
- 2. The coverage shall contain no special limitations on the scope of protection afforded to City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers.
- 3. Consultant's insurance coverage shall be primary and no contribution shall be required of City.

<u>The Workers' Compensation insurance policy</u> is to contain, or be endorsed to contain, the following provision: Consultant and its insurer shall waive any right of subrogation against City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers.

If the Professional Liability (Errors and Omissions) insurance policy is written on a claimsmade form:

- 1. The retroactive date must be shown, and must be before the effective date of the Agreement or the commencement of work by Consultant.
- 2. Insurance must be maintained and evidence of insurance must be provided for at least 3 years after any expiration or termination of the Agreement or, in the alternative, the policy shall be endorsed to provide not less than a 3-year discovery period.
- 3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the effective date of the Agreement or the commencement of work by Consultant, Consultant must purchase extended reporting coverage for a minimum of 3 years following the expiration or termination of the Agreement.
- 4. A copy of the claims reporting requirements must be submitted to City for review.
- 5. These requirements shall survive expiration or termination of the Agreement.

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

Acceptability of Insurers

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

Verification of Coverage

Consultant shall furnish City with all certificate(s) and **applicable endorsements** effecting coverage required hereunder. All certificates and **applicable endorsements** are to be received and approved by the City Manager or his/her designee prior to City's execution of the Agreement and before work commences.

CITY OF MORENO VALLEY SUPPLEMENTARY GENERAL CONDITIONS

The following provisions, pursuant to 44 Code of Federal Regulations, Part 13, Subpart C, Section 13.36, as it may be amended from time to time, are included in the Agreement and are required to be included in all subcontracts entered into by CONTRACTOR for work pursuant to the Agreement, unless otherwise expressly provided herein. These provisions supersede any conflicting provisions in the General Conditions and shall take precedence over the General Conditions for purposes of interpretation of the General Conditions. These provisions do not otherwise modify or replace General Conditions not in direct conflict with these provisions. Definitions used in these provisions are as contained in the General Conditions.

- (1) CONTRACTOR shall be subject to the administrative, contractual, and legal remedies provided in the General Conditions in the event CONTRACTOR violates or breaches terms of the Agreement.
- (2) CITY may terminate the Agreement for cause or for convenience, and CONTRACTOR may terminate the Agreement, as provided the General Conditions.
- (3) CONTRACTOR shall comply with Executive Order 11246 of September 24, 1965, entitled Equal Employment Opportunity, as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by CITY and/or subcontracts in excess of \$10,000 entered into by CONTRACTOR.)
- (4) CONTRACTOR shall comply with the Copeland Anti-Kickback Act (<u>18 U.S.C. 874</u>) as supplemented in Department of Labor regulations (29 CFR Part 3) (All contracts and subcontracts for construction or repair.)
- (5) CONTRACTOR shall comply with the Davis-Bacon Act (40 U.S.C. 276a to 276a7) as supplemented by Department of Labor regulations (29 CFR Part 5).
- (6) CONTRACTOR shall comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327330) as supplemented by Department of Labor regulations (29 CFR Part 5).
- (7) CONTRACTOR shall observe CITY requirements and regulations pertaining to reporting included in the General Conditions.
- (8) Patent rights with respect to any discovery or invention which arises or is developed in the course of or under the Agreement shall be retained by the CITY.
- (9) Copyrights and rights in data developed in the course of or under the Agreement shall be the property of the CITY. FEMA/CalOES reserve a royalty-free, nonexclusive, irrevocable license to reproduce, publish or otherwise use or authorize to others to use for federal purposes a copyright in any work developed under the Agreement and/or subcontracts for work pursuant to the Agreement.

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

	City of Moreno Valley	Contractor/Consultant Name	
3Y:		BY:	
		TITLE:(Select only one please)	1)
		(President or Vice Presiden	τ)
	Date	Date	
		BY:	
		TITLE:	
		(Corporate Secretary)	
		Date	

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

1. Type of Federal Action: a. Contract b. Grant c. Cooperative agreement d. Loan e. Loan guarantee f. Loan insurance	2. Status of Federa a. Bid/offer/applica b. Initial award c. Post-award		3. Report Type: a. Initial filing b. Material change For Material Change Only: Year Quarter Date of last report
		and Address of F	
Congressional District, if known:		Congressional D	istrict, if known:
6. Federal Department/Agency:		7. Federal Program CFDA Number, if	Name/Description: applicable
8. Federal Action Number, if known:		9. Award Amount, i	if known:
		\$	
10. Name and Address of Lobbying Enti- (If individual, last name, first name, MI)		b. Individuals Perfo different from No. (Last name, first r	
11. Information requested through this form 31 U.S.C. Section 1352. This disclosure of lob	bying activities is a		
material representation of fact upon which rel the tier above when this transaction was made		Print Name:	
disclosure is required pursuant to 31 U.S.C. 1 will be reported to the Congress semi-annuall		Title:	
for public inspection. Any person who fails to disclosure shall be subject to a civil penalty o and not more than \$100,000 for each such fail	file the required f not less than \$10,000		Date:
Federal Use Only:			Authorized for Local Reproduction Standard Form – LLL (Rev. 7-97)

Standard Form LLL Rev. 06-04-90
W:\CapProj\CapProj\BOILER\Consultant\RFP-Letter-Attachment\Boiler RFP_DBE\RFP Attachment-Form LLL-DBE.doc

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of covered Federal action or a material change to previous filing pursuant to Title 31 U.S.C. section 1352. The filing of a form is required for such payment or agreement to make payment to lobbying entity for influencing or attempting to influence an officer or employee of any agency, a member of Congress an officer or employee of Congress or an employee of a Member of Congress in connection with a covered Federal action. Attach a continuation sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing quidance published by the Office of Management and Budget for additional information.

- 1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence, the outcome of a covered Federal action.
- 2. Identify the status of the covered Federal action.
- 3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last, previously submitted report by this reporting entity for this covered Federal action.
- 4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District if known. Check the appropriate classification of the reporting entity that designates if it is or expects to be a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee if the prime is the first tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
- 5. If the organization filing the report in Item 4 checks "Subawardee" then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
- 6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organization level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
- 7. Enter the Federal program name or description for the covered Federal action (Item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commitments.
- 8. Enter the most appropriate Federal identifying number available for the Federal action identification in Item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract grant, or loan award number, the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
- 9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitments for the prime entity identified in Item 4 or 5.
- 10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in Item 4 to influenced the covered Federal action.
 - (b) Enter the full names of the individual(s) performing services and include full address if different from 10(a). Enter Last Name, First Name and Middle Initial (MI).
- 11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB NO. 0348-0046. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

_ _	ertification for Contr (Federal Fiscal Year	r	_	_	
I, , hereby certify on (Name and title of	n behalf of Grantee official)				
of <u>The City of More</u> (Name of Gra					
influencing or attempor employee of Congcontract, the making	pting to influence an gress, or an employed g of any Federal gra extension, continuation	officer or employee of e of a Member of Co ant, the making of an	of any Federal ag ngress in conne ny Federal loan	gency, a Member ction with the the entering	rsigned, to any person for of Congress, an office awarding of any Federa into of any cooperative eral contract, grant, loan
attempting to influer of Congress, or an cooperative agreeme	nce an officer or employee of a Mem	loyee of any Federal aber of Congress in shall complete and su	agency, a Meml connection with	per of Congress this Federal	person for influencing of s, an officer or employed contract, grant, loan, of isclosure Form to Repo
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entered into. Submissection 1352, title 3	ssion of this certifica	tion is a prerequisite person who fails to f	for making or eallile the required	ntering into this certification sl	s transaction was made of s transaction imposed be hall be subject to a civ
Executed this	_ of	, 20			
			(Sign	ature of author	By:
			(Title of auth	orized official)

Item No. A.5

LIST OF SUBCONSULTANTS

PROJECT NAME:	
PROJECT NO:	
CONSULTANT NAME:	
NAME	DESCRIPTION OF SUPCONSULTANT'S WORK
TELEPHONE	DESCRIPTION OF SUBCONSULTANT'S WORK:
ADDRESS	-
CITY, STATE ZIP	-
NAME	
TELEPHONE	DESCRIPTION OF SUBCONSULTANT'S WORK:
ADDRESS	_
CITY, STATE ZIP	
	ī
NAME	DESCRIPTION OF SUBCONSULTANT'S WORK:
TELEPHONE	DEGOTAL FIGURE CONTROL FIRM CONTROL FIRM
ADDRESS	
CITY, STATE ZIP	
	1

Duplicate this form as necessary to report all subconsultant(s) information.

PROPOSER'S LIST OF SUBCONSULTANTS (DBE AND NON-DBE) - PART I

The proposer shall list all subconsultants (both DBE and non-DBE) in accordance with Section 2-1.054 of the Standard Specifications and per Title 49, Section 26.11 of the Code of Federal Regulations. This listing is required in addition to listing DBE subconsultants elsewhere in the proposal. **Photocopy this form for additional firms.**

Firm Name/ Address/ City, State, ZIP	Phone/ Fax	Annual Gross Receipts	Description of Portion of Work to be Performed	Certified DBE?
Name	Phone	☐ < \$1 million		☐ YES
		□ < \$5 million		□NO
Address		☐ < \$10 million		If YES list DBE #:
	Fax	□ < \$15 million		
City State ZIP		□ > \$15 million		Age of Firm (Yrs.)
Name	Phone	☐ < \$1 million		☐ YES
		☐ < \$5 million		□NO
Address		☐ < \$10 million		If YES list DBE #:
	Fax	☐ < \$15 million		
City State ZIP		□ > \$15 million		Age of Firm (Yrs.)
Name	Phone	☐ < \$1 million		☐ YES
		☐ < \$5 million		□NO
Address		☐ < \$10 million		If YES list DBE #:
	Fax	☐ < \$15 million		
City State ZIP		☐ > \$15 million		Age of Firm (Yrs.)
Name	Phone	☐ < \$1 million		☐ YES
		□ < \$5 million		□NO
Address		☐ < \$10 million		If YES list DBE #:
	Fax	☐ < \$15 million		
City State ZIP		□ > \$15 million		Age of Firm (Yrs.)

Distribution: 1) Original – Local Agency File

PROPOSER'S LIST OF SUBCONSULTANTS (DBE AND NON-DBE) - PART II

The proposer shall list all subconsultants who provided a quote or proposal but were not selected to participate as a subconsultant on this project. This is required for compliance with Title 49, Section 26 of the Code of Federal Regulations. **Photocopy this form for additional firms.**

Firm Name/ Address/ City, State, ZIP	Phone/ Fax	Annual Gross Receipts	Description of Portion of Work to be Performed	Certified DBE?
Name	Phone	☐ < \$1 million		☐ YES
		☐ < \$5 million		□NO
Address		☐ < \$10 million		If YES list DBE #:
	Fax	☐ < \$15 million		
City State ZIP		☐ > \$15 million		Age of Firm (Yrs.)
Name	Phone	□ < \$1 million		☐ YES
		☐ < \$5 million		□NO
Address		☐ < \$10 million		If YES list DBE #:
	Fax	☐ < \$15 million		
City State ZIP		□ > \$15 million		Age of Firm (Yrs.)
Name	Phone	☐ < \$1 million		☐ YES
		☐ < \$5 million		□NO
Address		☐ < \$10 million		If YES list DBE #:
	Fax	?? < \$15 million		
City State ZIP		□ > \$15 million		Age of Firm (Yrs.)
Name	Phone	□ < \$1 million		☐ YES
		□ < \$5 million		□NO
Address		□ < \$10 million		If YES list DBE #:
	Fax	□ < \$15 million		
City State ZIP		□ > \$15 million		Age of Firm (Yrs.)

Distribution: 1) Original - Local Agency File



APPROVALS	
BUDGET OFFICER	me
CITY ATTORNEY	8MB
CITY MANAGER	D

Report to City Council

TO: Mayor and City Council

FROM: Ahmad R. Ansari, Public Works Director/City Engineer

AGENDA DATE: January 27, 2015

TITLE: AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT TO

KEYSTONE BUILDERS, INC. FOR THE CORPORATE YARD

FACILITY PHASE 1 - ADMINISTRATION BUILDING PROJECT

PROJECT NO. 803 0002 70 77

RECOMMENDED ACTION

Recommendations:

- Waive any and all minor irregularities and award the construction contract to Keystone Builders, Inc., 1026 S. Santa Fe Avenue Los Angeles, the lowest responsible bidder, for the Corporate Yard Facility Phase 1 – Administration Building project.
- 2. Authorize the City Manager to execute a contract with Keystone Builders, Inc.
- 3. Authorize the issuance of a Purchase Order to Keystone Builders, Inc., for the amount of \$3,284,287.60 (\$2,985,716.00 bid amount plus 10% contingency) when the contract has been signed by all parties.
- 4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with Keystone Builders, Inc. up to, but not exceeding, the 10% contingency amount of \$298,571.60, subject to the approval of the City Attorney.
- 5. Authorize the appropriation of additional \$500,000 from the Corporate Yard DIF Revenue Fund (Fund 2910) and \$300,000 from the Facility Construction Expenditure Fund balance (Fund 3000).

6. Authorize the issuance of a Purchase Order to G/M Business Interiors, for the amount of \$191,531.01 (\$182,410.49 plus 5% contingency) for interior furniture.

SUMMARY

This report recommends approval of a contract with Keystone Builders, Inc. to construct the Corporate Yard Facility Phase 1 project. The Administration Building is needed to house staff (Maintenance & Operations, and Parks Maintenance divisions) currently operating out of the outdated existing Corporate Yard administration building. The proposed project consist of an administration building, asphalt concrete parking lot, domestic water, fire water, sewer, storm drain system, security fencing, and landscaping. The project is funded with Corporate Yard Development Impact Fees (DIF) in the amount of \$2,981,900 in the 2014/15 Capital Improvement Plan (CIP). An additional appropriation from Corporate Yard DIF in the amount of \$500,000 and \$300,000 from the Facility Construction Expenditure Fund is needed to fully fund the construction phase with base bid and all alternates.

DISCUSSION

The City of Moreno Valley has occupied the existing Corporate Yard Facility at the corner of Perris Boulevard and Santiago Drive since April 1987. The current Administration building was built sometime in the 1960s as part of a warehouse. The existing Administration Building is inadequate for the City's current and future needs and no longer in compliance with the latest Americans with Disabilities Act (ADA) as well as building, fire and energy efficiency codes. The cost to renovate the existing structure would be cost prohibitive due to the age of the structure and the need to address conditions typically found in older buildings.

Corporate Yard Facility Space Needs Analysis, Conceptual Design Study, and Phasing were presented to City Council in a Study Session on April 21, 2009. The City Council concurred with the phasing plan and staff's recommendation to proceed with Plans, Specifications, and Estimates for construction of the Corporate Yard Facility Phase I – Administration Building. On January 12, 2010, the City Council awarded a design contract to Pitassi Architects, Inc. (Pitassi) of Rancho Cucamonga to provide architectural and engineering services (A&E) for the design of the Corporate Yard Phase I Administration building and sewer line.

The design phase was completed by Pitassi, however, due to project re-sequencing as approved by the City Council on April 26, 2011, the project was placed on hold. At the October 15, 2013 Study Session, staff presented City Council with a status update on the Corporate Yard Administration Building project, which included information on the project background, purpose and need to resume the project. On October 22, 2013 City Council approved an agreement with Pitassi Architects, Inc. for Professional Consultant Services to update the design and construction Bid Documents for the construction of

the Corporate Yard Facility Phase I – Administration Building. A community meeting was held on November 21, 2013 to update area residents on the project status.

The proposed Administration Building will house personnel from the Public Works Maintenance and Operations Division and Parks Maintenance Division. It will also function as a "Division Operations Center" for strategic field command and deployment center during certain lesser level emergencies, such as heavy rain storm and flooding events. The proposed Administration Building will feature a new 5,264 square feet concrete tilt-up structure on a vacant area in the east side of the existing 18 acre Corporate Yard property. The new building will include the addition of a new ADA compliance public counter, seven offices, twelve cubicles, one conference room, one break room, and modernized restrooms. The new building is designed with 9 to 10 feet high ceilings, concrete tilt-up panel walls and low thermal emissivity (low E), energy efficient windows. Electricity will be provided by the Moreno Valley Utility in combination with a Photovoltaic System which will provide substantial savings in electrical consumption. The site improvements include an asphalt concrete parking lot, two commercial driveways, sidewalks, security fencing, and landscaping. Site drainage will be conveyed to the on-site storm drainage system with hydro-seeded swales and a detention basin to comply with the Water Quality Management Plan (WQMP). Site utilities includes new domestic water, fire water, and on site sewer system.

This project represents the first of a multiple-phase project to update the City's Corporate Yard complex. The overall project schedule will be developed to ensure maximum cost efficiency without interruptions to vital public service functions based at the Yard.

The interior furniture will be furnished by G/M Business Interior (GMBI). The City uses GMBI furniture for consistency/interchangeability in multiple facilities. The County of Riverside has a Professional Agreement (Contract ID #RIVCO-9314-006-12/10), with GMBI for Systems/Conventional Furniture along with Design and Installation Services. The agreement allows other local agencies to purchase office furniture as well as installation of said components at the most competitive price. Per the City's Purchasing Ordinance, 3.12.260 "Where advantageous for the city and to the extent consistent with state law, the City Manager may authorize the Financial and Administrative Services Director or the Purchasing Manager to purchase supplies, materials, equipment or contractual services through legal, competitively awarded contracts with or of other governmental jurisdictions or public agencies, including California Multiple Award Schedules (CMAS) commonly referred to as 'piggybacking,' without further contracting, solicitation or formal bidding as described in this chapter. (Ord. 844 § 2, 2012)." Staff intends to utilize the County of Riverside's agreement to "piggyback" and contract directly with GMBI. The purchase of GMBI's interior furniture exceeds \$100,000 and requires City Council approval as recommended.

To maximize available funding, one Base bid and four Alternative Bid Alternates were included in the bid documents. The Base Bid consists of the onsite improvements for the administration building and offsite improvements, which include the addition of two driveways, sidewalks and parkway landscape. The Additive Bid Alternates include

construction of the western portion of the onsite parking area for full functional utilization (Additive Bid 1), the engineering documentation, construction and installation of complete photovoltaic system to minimize long term energy consumption costs (Additive Bid 2), construction of a vehicle and equipment wash out area to comply with current water quality requirements (Additive Bid 3), and installation of hydro-seed to minimize erosion and long term maintenance (Additive Bid 4).

The Planning Division of the Community and Economic Development Department has determined that the proposed project qualifies for a Class 2 Categorical Exemption as defined in Section 15302 of the California Environmental Quality Act (CEQA) Guidelines. No further actions under CEQA are necessary to proceed with construction of the building.

The design and bidding documents were completed in October 2014 and the project was advertised for construction bids. Formal bidding procedures have been followed in conformance with the Public Contract Code. The City Clerk opened bids at 10:15 a.m. on December 10, 2014, for the subject project. Fourteen (14) bids were received as follows:

	<u>CONTRACTORS</u>	Total Bid Amounts
1.	Keystone Builders, Inc. (Los Angeles)	\$ 2,985,716.00
2.	California Averland Construction, Inc. (Los Angeles)	\$3,015,097.00
3.	Patriot Contracting & Engineering (Yorba Linda)	\$3,365,000.00
4.	EC Constructors, Inc. (Lakeside)	\$3,452,953.00
5.	Toby B. Hayward (Monrovia)	\$3,673,959.00
6.	Cal-City Construction, Inc. (Cerritos)	
7.	NEI Contracting and Engineering (Chula Vista)	\$3,710,669.00
8.	Harik Construction, Inc. (Glendora)	\$3,939,000.00
9.	Woodcliff Corporation (Los Angeles)	\$4,388,000.00
10.	Fata Construction (Riverside)	
11.	Plyco (Norco)	
12.	Horizons Construction Co. Int'l Inc. (Orange)	
13.	Dalke & Sons Construction (Riverside)	
14.	Kemcorp Construction, Inc. (Ontario)	Non-Responsive

The lowest responsible bidder was determined by comparing the total Bid Price of all Bid Items (Base Bid plus Alternate Nos. 1, 2, 3, and 4), as stipulated in the bidding documents. Staff has reviewed the bid from Keystone Builders, Inc. and finds it to be the lowest responsible bidder in possession of the appropriate valid contractor's license and bid bond. There were minor irregularities identified in the bid schedule submitted by Keystone Builders that did not materially affect the bid line items or the total bid amounts. No outstanding issues were identified through the review of the references submitted by Keystone in their bid.

The bid proposals of Dalke and Sons Construction, and Kemcorp Construction Inc. contain material error as well as irregularities that were ambiguous and incomplete in

the cost information provided in the bid schedule, and therefore staff deems these bids as non-responsive in accordance with the bid document Section 00100 Item No. 19.

Staff is recommending that the City Council issue a Purchase Order to Keystone Builders, Inc. for \$3,284,287.60, (to include the base bid and Additive Bid Items 1, 2, 3 & 4) which includes a 10% contingency. This contingency is needed to account for any unforeseen issues that may arise during construction and site grading operations.

<u>ALTERNATIVES</u>

- 1. Approve and authorize the recommended actions as presented in this staff report. This alternative will facilitate the timely construction of needed improvements, provide adequate space for staff, and improve energy efficiency and ADA accessibility.
- 2. Do not approve and authorize the recommended actions as presented in this staff report. This alternative will delay the construction of needed improvements and would not provide for the anticipated future needs of our city and its citizens.

FISCAL IMPACT

Construction of the Corporate Yard Facility Phase 1 – Administration Building project is included in the adopted Fiscal Year 2014/2015 CIP. The project is funded by the Corporate Yard DIF Revenue Fund (Fund 2910) through the Facility Construction Fund (Fund 3000) and can only be used for corporate yard facility improvements. Staff is requesting an additional appropriation of \$500,000 from the DIF Revenue Fund to the Facility Construction Fund, Account No. 3000-70-77-80003-720199 and the use of \$300,000 of fund balance from the Facility Construction Fund to fully fund the construction with all alternate items and interior furniture. **There is no impact to the General Fund**.

Proposed Appropriation for Fiscal Year 2014/2015:

Category	Fund	Project Number (PN) GL Account (GL)	Туре	Budget	Proposed Adjustment	Revised Budget
CIP	DIF Revenue (2910)	GL – 2910-90-95-92910-903000	Exp	\$0	\$2,981,952	\$2,981,952
CIP	DIF Revenue (2910)	GL – 2910-90-95-92910-903000 GL – 3000-99-99-93000-802910	Exp Rev	\$2,981,952 \$2,981,952	\$500,000 \$500,000	\$3,481,952 \$3,481,952
CIP	Facility Construction (3000)	GL – 3000-70-77-80003-720199 PN – 803 0002 70 77-3000-99	Exp	\$2,981,952	\$800,000	\$3,781,952

Total Project Budg	et	\$ 3.	,78	1,9	90	0
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ESTIMATED CONSTRUCTION RELATED COSTS - FISCAL YEAR 2014/2015:

Construction (includes 10% contingency)	. \$3	,284,500
Construction Surveying, Geotechnical, and Inspection Services costs		
Interior Furnishing (includes 5% contingency)	. \$	192,000
Utility Fees and Permits	\$	35,000
Project Administration*		
Total Estimated Cost		

^{*}Includes City project administration, printing, and other miscellaneous costs.

ANTICIPATED PROJECT SCHEDULE:

Start Construction	February 2015
Anticipated Completion of Construction/Move In	April 2016

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:

Create a positive environment for the development of Moreno Valley's future.

PUBLIC NOTIFICATION AND OUTREACH

In late April 2010, invitations were sent out to all residents and businesses within a 300 foot radius of the project for the Public Information/Community Outreach Meeting held on June 2, 2010. Invitation flyers were also posted on City website and other media

After project re-sequencing, a second meeting was scheduled to provide the community with a project status update. Invitations were sent out in early November to all residents and businesses within a 300 foot radius of the project for the Public Information/Community Outreach Meeting held on November 21, 2013. Invitation flyers were also posted on City website and other media.

All utilities, adjacent property owners, business owners, law enforcement, fire department, and other emergency services responders in the area will be notified in a timely manner prior to the start of construction work. Changeable message signs to notify commuters will be strategically placed to provide adequate advanced notice.

<u>ATTACHMENTS</u>

Attachment 1: Location Map

Attachment 2: Proposed Site Layout – Exhibits 1, 2, 3

Agreement with Keystone Builders, Inc., Project No. 803 0002 70 77 Attachment 3:

G/M Business Interiors, Inc. Purchase Requisition Attachment 4:

Prepared By: Henry Ngo

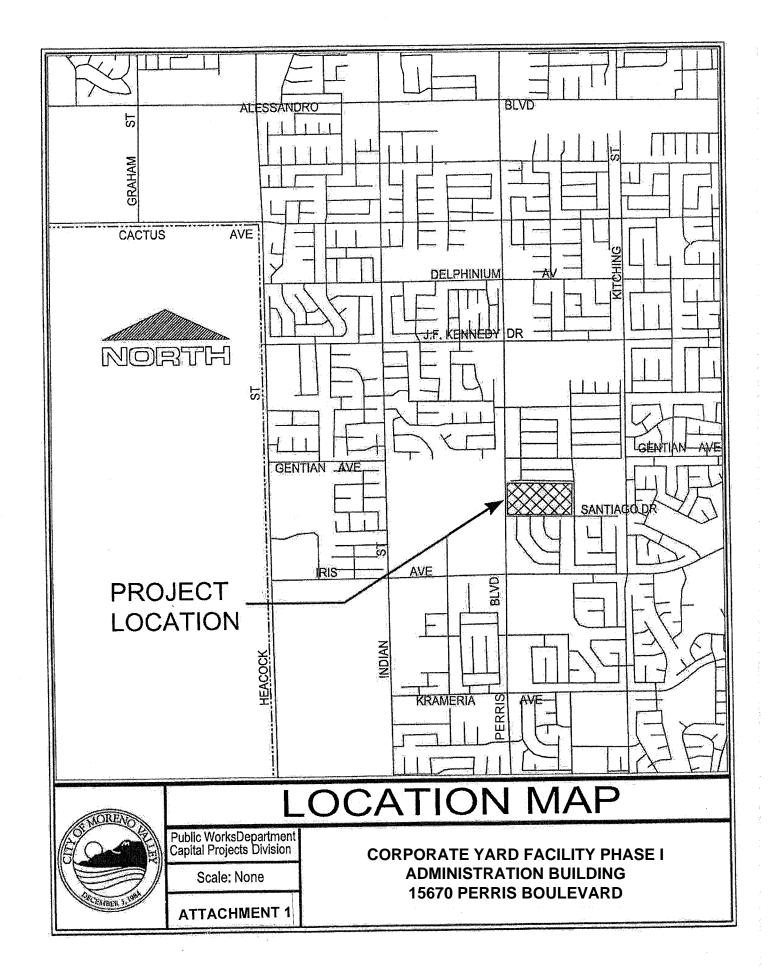
Senior Engineer, P.E.

Department Head Approval: Ahmad R. Ansari, P.E.

Public Works Director/City Engineer

Concurred By: Concurred By: Prem Kumar, P.E. Rix Skonberg

Deputy Public Works Director/Assistant City Engineer Purchasing & Facilities Division Manager This page intentionally left blank.



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Proposed Site Layout Exhibit 1

Toreno Valley Corporate Yard ity of Moreno Valley





Proposed Site Layout Exhibit 2

Moreno Valley Corporate Yard City of Moreno Valley



Proposed Site Layout Exhibit 3

Toreno Valley Corporate Yard ity of Moreno Valley



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Agreement	No.
Agreement	110

<u>AGREEMENT</u>

PROJECT NO. 803-0002-70-77

Corporate Yard Phase 1 Administration Building

THIS Agreement, effective as of the date signed by the City of Moreno Valley by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and **Keystone Builders, Inc.**, hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

- **1. CONTRACT DOCUMENTS**. The Contract Documents consist of the following, which are incorporated herein by this reference:
 - A. Governmental approvals, including, but not limited to, permits required for the Work
 - B. Any and all Contract Change Orders issued after execution of this Agreement
 - C. This Agreement
 - D. Addenda No. 1 inclusive, issued prior to the opening of the Bids
 - E. City Special Provisions, including the General Provisions and Technical Provisions
 - F. Standard Specifications for Public Works Construction ("Greenbook") latest edition in effect at the Bid Deadline, as modified by the City Special Provisions
 - G. Reference Specifications/Reference Documents other than those listed in paragraph 2, below
 - H. Project Plans
 - I. City Standard Plans
 - J. The bound Bidding Documents
 - K. Contractor's Certificates of Insurance and Additional Insured Endorsements
 - L. Contractor's Bidder's Proposal and Subcontractor Listing

In the event of conflict between any of the Contract Documents, the provisions placing a more stringent requirement on the Contractor shall prevail. The Contractor shall provide the better quality or greater quantity of Work and/or materials unless otherwise directed by City in writing. In the event none of the Contract Documents place a more stringent requirement or greater burden on the Contractor, the controlling provision shall be that which is found in the document with higher precedence in accordance with the above order of precedence.

- **2. REFERENCE DOCUMENTS**. The following Reference Documents are not considered Contract Documents and are made available to the Contractor for informational purposes:
 - A. SWPPP/WPCP
 - B. Geotechnical Reports
 - C. Geotechnical Update Reports
- 3. SCOPE OF WORK. The Contractor shall perform and provide all materials, tools, equipment, labor, and services necessary to complete the Work described in the Contract

Documents, except as otherwise provided in the Plans, Standard Specifications, or City Special Provisions to be the responsibility of others.

4. PAYMENT.

- 4.1. **Contract Price and Basis for Payment**. In consideration for the Contractor's full, complete, timely, and faithful performance of the Work required by the Contract Documents, the City shall pay Contractor for the actual quantity of Work required under the Bid Items awarded by the City performed in accordance with the lump sum prices and unit prices for Bid Items and Alternate Bid Items, if any, set forth the Bidder's Proposal submitted with the Bid. The sum of the unit prices and lump sum prices for the Base Bid Items and Alternate Bid Items, if any, awarded by the City is <u>TWO MILLION NINE HUNDRED EIGHTY-FIVE THOUSAND SEVEN HUNDRED SIXTEEN</u> Dollars (\$2,985,716.00) ("Contract Price"). The Alternate Bid Items selected by the City and included in the Contract are: 1,2,3, and 4. It is understood and agreed that the quantities set forth in the Bidder's Proposal for which unit prices are fixed are estimates only and that City will pay and Contractor will accept, as full payment for these items of work, the unit prices set forth in the Bidder's Proposal multiplied by the actual number of units performed, constructed, or completed as directed by the City Engineer.
- 4.2. **Payment Procedures**. Based upon applications for payment submitted by the Contractor to the City, the City shall make payments to the Contractor in accordance with Article 9 of the Standard Specifications, as modified by Article 9 of the City Special Provisions.

5. CONTRACT TIME.

A. Contract Time. The Contract Time shall be determined in accordance with the following:

Base Bid	200 Working Days
Alternate 1	10 Working Days
Alternate 2	20 Working Days
Alternate 3	15 Working Days
Alternate 4	5 Working Days

B. Initial Notice to Proceed. After the Agreement has been fully executed by the Contractor and the City, the City shall issue the "Notice to Proceed to Fulfill Preconstruction Requirements and Notice to Proceed with Order of Materials." The date specified in the Notice to Proceed to Fulfill Preconstruction Requirements and Notice to Proceed with Order of Materials constitutes the date of commencement of the Contract Time of Two Hundred Fifty (250) Working Days. The Contract Time includes the time necessary to fulfill preconstruction requirements, place the order of materials, and to complete construction of the Project (except as adjusted by subsequent Change Orders).

The Notice to Proceed to Fulfill Preconstruction Requirements and Notice to Proceed with Order of Materials shall further specify that Contractor must complete the preconstruction requirements and order materials within **Twenty (20) Working Days** after the date of commencement of the Contract Time; this duration is part of the Contract Time.

Preconstruction requirements include, but are not limited to, the following:

- Submitting and obtaining approval of Traffic Control Plans
- Submitting and obtaining approval of the Amendment of Stormwater Pollution Prevention Plan (SWPPP)/Water Pollution Control Plan (WPCP)
- Submitting and obtaining approval of critical required submittals
- Installation of the approved Project Identification Signs
- Obtaining an approved no fee Encroachment/Construction Permit
- Obtaining a Temporary Use Permit for a construction yard
- Notifying all agencies, utilities, residents, etc., as outlined in the Bidding Documents

If the City's issuance of a Notice to Proceed to Fulfill Preconstruction Requirements and Notice to Proceed with Order of Materials is delayed due to Contractor's failure to return the fully executed Agreement and insurance and bond documents within ten (10) Working Days after Contract award, then Contractor agrees to the deduction of one (1) Working Day from the number of days to complete the Project for every Working Day of delay in the City's receipt of said documents. This right is in addition to and does not affect the City's right to demand forfeiture of Contractor's Bid Security if Contractor persistently delays in providing the required documentation.

C. Notice to Proceed with Construction. After all preconstruction requirements are met and materials have been ordered in accordance with the Notice to Proceed to Fulfill Preconstruction Requirements and Notice to Proceed with Order of Materials, the City shall issue the "Notice to Proceed with Construction," at which time the Contractor shall diligently prosecute the Work, including corrective items of Work, day to day thereafter, within the remaining Contract Time.

6. LIQUIDATED DAMAGES AND CONTROL OF WORK

6.1. **Liquidated Damages.** The Contractor and City (collectively, the "Parties") have agreed to liquidate damages with respect to Contractor's failure to fulfill the preconstruction requirements, and/or failure to complete the Work within the Contract Time. The Parties intend for the liquidated damages set forth herein to apply to this Contract as set forth in Government Code Section 53069.85. Contractor acknowledges and agrees that the liquidated damages are intended to compensate the City solely for Contractor's failure to meet the deadline for completion of the Work and will not excuse Contractor from liability from any other breach, including any failure of the Work to conform to the requirements of the Contract Documents.

In the event that Contractor fails to fulfill the preconstruction requirements and/or fails to complete the Work within the Contract Time, Contractor agrees to pay the City \$800.00 per Calendar day that completion of the Work is delayed beyond the Contract Time, as adjusted by Contract Change Orders. The Contractor will not be assessed liquidated damages for delays occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

The Contractor and City acknowledge and agree that the foregoing liquidated damages have been set based on an evaluation of damages that the City will incur in the event of late completion of the Work. The Contractor and City acknowledge and agree that the amount of such damages are impossible to ascertain as of the date of execution hereof and have agreed to such liquidated damages to fix the City's damages and to avoid later disputes. It is understood and agreed by Contractor that liquidated damages payable pursuant to this Agreement are not a penalty and that such amounts are not manifestly unreasonable under the circumstances existing as of the date of execution of this Agreement.

It is further mutually agreed that the City will have the right to deduct liquidated damages against progress payments or retainage and that the City will issue a Change Order or Construction Change Directive and reduce the Contract Price accordingly. In the event the remaining unpaid Contract Price is insufficient to cover the full amount of liquidated damages, Contractor shall pay the difference to the City.

- 6.2. Any work completed by the Contractor after the issuance of a Stop Work Notice by the City shall be rejected and/or removed and replaced as specified in Section 2-11 of the Special Provisions.
- 6.3. Owner is Exempt from Liability for Early Completion Delay Damages. While the Contractor may schedule completion of all of the Work, or portions thereof, earlier than the Contract Time, the Owner is exempt from liability for and the Contractor will not be entitled to an adjustment of the Contract Sum or to any additional costs, damages, including, but not limited to, claims for extended general conditions costs, home office overhead, jobsite overhead, and management or administrative costs, or compensation whatsoever, for use of float time or for Contractor's inability to complete the Work earlier than the Contract Time for any reason whatsoever, including but not limited to, delay cause by Owner or other Excusable Compensable Delay. See Section 6-6 of the Standard Specifications and City Special Provisions regarding compensation for delays.

7. INSURANCE.

- 7.1. **General**. The Contractor shall procure and maintain at its sole expense and throughout the term of this Agreement, any extension thereof, Commercial General Liability, Automobile Liability, and Workers' Compensation Insurance with such coverage limits as described herein.
- 7.2. Additional Insured Endorsements. The Contractor shall cause the insurance required by the Contract Document to include the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and representatives as an additional insureds. For the Commercial General Liability coverage, said parties shall be named as additional insureds utilizing either:
 - 1. Insurance Services Office ("ISO") Additional Insured endorsement CG 20 10 (11/85); or
 - 2. ISO Additional Insured endorsement CG 20 10 (10/01) and Additional Insured Completed Operations endorsement CG 20 37 (10/01); or
 - 3. substitute endorsements providing equivalent coverage, approved by the City.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. The coverage shall contain no special limitations on the scope of protection afforded to such additional insureds. Coverage for such additional insureds does not extend to liability to the extent prohibited by Insurance Code Section 11580.4.

7.3. **Waivers of Subrogation**. All policies of insurance required by the Contract Documents shall include or be endorsed to provide a waiver by the insurers of any rights of recovery

or subrogation that the insurers may have at any time against the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and representatives.

- 7.4. **Primary Coverage**. All policies and endorsements shall stipulate that the Contractor's (and the Subcontractors') insurance coverage shall be primary insurance as respects the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and representatives, and shall be excess of the Contractor's (and its Subcontractors') insurance and shall not contribute with it.
- 7.5. Coverage Applies Separately to Each Insured and Additional Insured. Coverage shall state that the Contractor's (and its Subcontractors') insurance shall apply separately to each insured or additional insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. Coverage shall apply to any claim or suit brought by an additional insured against a named insured or other insured.
- 7.6. **Self-Insurance**. Any self-insurance (including deductibles or self-insured retention in excess of \$50,000) in lieu of liability insurance must be declared by Contractor and approved by the City in writing prior to execution of the Agreement. The City's approval of self-insurance, if any, is within the City's sole discretion and is subject to the following conditions:
 - Contractor must, at all times during the term of the Agreement and for a period of at least one (1) year after completion of the Project, and any extension of the one-year correction guarantee period in accordance with Section 6-8.1 of the City Special Provisions, maintain and upon Owner's reasonable request provide evidence of:
 - (a) Contractor's "net worth" (defined as "total assets" [defined as all items of value owned by the Contractor including tangible items such as cash, land, personal property and equipment and intangible items such as copyrights and business goodwill]) minus total outside liabilities must be reflected in a financial statement for the prior fiscal year reflecting sufficient income and budget for Contractor to afford at least one loss in an amount equal to the amount of self-insurance;
 - (b) financial statements showing that Contractor has funds set aside/budgeted to finance the self-insured fund (i.e., Contractor has a program that fulfills functions that a primary insurer would fill; and
 - (c) a claims procedure that identifies how a claim is supposed to be tendered to reach the financing provided by the self-insured fund.
 - 2. If at any time after such self-insurance has been approved Contractor fails to meet the financial thresholds or otherwise fails to comply with the provisions set forth in this Paragraph 7, at the option of the City:

- (a) the Contractor shall immediately obtain and thereafter maintain the third party insurance required under this Paragraph 7 and otherwise on the terms required above; or
- (b) the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or
- (c) the Contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.
- 7.7. **Insurer Financial Rating**. Insurance companies providing insurance hereunder shall be rated A-:VII or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.
- Notices to City of Cancellation or Changes. Each insurance policy described in 7.8. this Paragraph 7 shall contain a provision or be endorsed to state that coverage will not be cancelled without thirty (30) days' prior written notice by certified or registered mail to the City (this obligation may be satisfied in the alternative by requiring such notice to be provided by Contractor's insurance broker and set forth on its Certificate of Insurance provided to the City), except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. If an insurance carrier cancels any policy or elects not to renew any policy required to be maintained by Contractor pursuant to the Contract Documents, Contractor agrees to give written notice to the City at the address indicated on the first page of the Agreement. Contractor agrees to provide the same notice of cancellation and non-renewal to the City that is required by such policy(ies) to be provided to the First Named Insured under such policy(ies). Contractor shall provide confirmation that the required policies have been renewed not less than seven (7) days prior to the expiration of existing coverages and shall deliver renewal or replacement policies, certificates and endorsements to the City Clerk within fourteen (14) days of the expiration of existing coverages. Contractor agrees that upon receipt of any notice of cancellation or alteration of the policies, Contractor shall procure within five (5) days, other policies of insurance similar in all respects to the policy or policies to be cancelled or altered. Contractor shall furnish to the City Clerk copies of any endorsements that are subsequently issued amending coverage or limits within fourteen (14) days of the amendment.
- 7.9. **Commercial General Liability**. Coverage shall be written on an ISO Commercial General Liability "occurrence" form CG 00 01 (10/01 or later edition) or equivalent form approved by the City for coverage on an occurrence basis. The insurance shall cover liability, including, but not limited to, that arising from premises operations, stop gap liability, independent contractors, products-completed operations, personal injury, advertising injury, and liability assumed under an insured contract. The policy shall be endorsed to provide the Aggregate Per Project Endorsement ISO form CG 25 03 (11/85). Coverage shall contain no contractors' limitation or other endorsement limiting the scope of coverage for liability arising from pollution, explosion, collapse, or underground (x, c, u) property damage. Contractor shall provide Products/Completed Operations coverage to be maintained continuously for a minimum of **one (1) year** after Final Acceptance of the Work, and any extension of the one-year correction guarantee period in accordance with Section 6-8.1 of the City Special Provisions.

Contractor shall maintain Commercial General Liability insurance with the following minimum limits: \$1,000,000 per occurrence / \$2,000,000 aggregate / \$2,000,000 products-completed operations.

- 7.10. **Business Automobile Liability**. Coverage shall be written on ISO form CA 00 01 (12/93 or later edition) or a substitute form providing equivalent coverage for owned, hired, leased and non-owned vehicles, whether scheduled or not, with \$1,000,000 combined single limit per accident for bodily injury and property damage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
- 7.11. **Workers' Compensation**. Contractor shall comply with the applicable sections of the California Labor Code concerning workers' compensation for injuries on the job. Compliance is accomplished in one of the following manners:
 - Provide copy of permissive self-insurance certificate approved by the State of California: or
 - 2. Secure and maintain in force a policy of workers' compensation insurance with statutory limits and Employer's Liability Insurance with a minimal limit of \$1,000,000 per accident; or
 - 3. Provide a "waiver" form certifying that no employees subject to the Labor Code's Workers' Compensation provision will be used in performance of this Contract.
- 7.12. **Subcontractors' Insurance**. The Contractor shall include all Subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each Subcontractor. All coverages for Subcontractors shall be subject to all of the requirements stated herein
- **8. BONDS.** The Contractor shall furnish a satisfactory Performance Bond meeting all statutory requirements of the State of California on the form provided by the City. The bond shall be furnished as a guarantee of the faithful performance of the requirements of the Contact Documents as may be amended from time to time, including, but not limited to, liability for delays and damages (both direct and consequential) to the City and the City's Separate Contractors and consultants, warranties, guarantees, and indemnity obligations, in an amount that shall remain equal to one hundred percent (100%) of the Contract Price.

The Contractor shall furnish a satisfactory Labor and Materials Payment Bond meeting all statutory requirements of the State of California on the form provided by the City in an amount that shall remain equal to one hundred percent (100%) of the Contract Price to secure payment of all claims, demands, stop notices, or charges of the State of California, of material suppliers, mechanics, or laborers employed by the Contractor or by any Subcontractor, or any person, form, or entity eligible to file a stop notice with respect to the Work.

All bonds shall be executed by a California-admitted surety insurer. Bonds issued by a California-admitted surety insurer listed on the latest version of the U.S Department of Treasury Circular 570 shall be deemed accepted unless specifically rejected by the City. Bonds issued by sureties not listed in Treasury Circular 570 must be accompanied by all documents enumerated in California Code of Civil Procedure Section 995.660(a). The bonds shall bear the same date as the Contract. The attorney-in-fact who executes the required bonds on behalf of the surety shall affix thereto a certified and current copy of the power of attorney. In the event of changes that increase the Contract Price, the amount of each bond shall be deemed to increase and at all times remain equal to the Contract Price. The signatures shall be acknowledged by a notary public. Every bond must display the surety's bond number and incorporate the Contract for construction of the Work by reference. The terms of the bonds shall provide that the surety agrees that no change, extension of time, alteration, or modification of the Contract Documents or the Work to be performed thereunder

shall in any way affect its obligations and shall waive notice of any such change, extension of time, alteration, or modification of the Contract Documents. The surety further agrees that it is obligated under the bonds to any successor, grantee, or assignee of the City.

Upon the request of any person or entity appearing to be a potential beneficiary of bonds covering payment of obligations arising under the Contract, the Contractor shall promptly furnish a copy of the bonds or shall authorize a copy to be furnished.

Should any bond become insufficient, or should any of the sureties, in the opinion of the City, become non-responsible or unacceptable, the Contractor shall, within ten (10) Calendar Days after receiving notice from the City, provide written documentation to the Satisfaction of the City that Contractor has secured new or additional sureties for the bonds; otherwise the Contractor shall be in default of the Contract. No further payments shall be deemed due or will be made under Contract until a new surety(ies) qualifies and is accepted by the City.

Contractor agrees that the Labor and Materials Payment Bond and Faithful Performance Bond attached to this Agreement are for reference purposes only, and shall not be considered a part of this Agreement. Contractor further agrees that said bonds are separate obligations of the Contractor and its surety, and that any attorney's fee provision contained in any payment bond or performance bond shall not apply to this Agreement. In the event there is any litigation between the parties arising from the breach of this Agreement, each party will bear its own attorneys' fees in the litigation.

9. RECORDS. The Contractor and its Subcontractors shall maintain and keep books, payrolls, invoices of materials, and Project records current, and shall record all transactions pertaining to the Contract in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, Riverside County, the State of California, the Federal Government, and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for at least three (3) years after Final Acceptance.

10. INDEMNIFICATION.

- 10.1. **General**. To the fullest extent permitted by law, the Contractor assumes liability for and agrees, at the Contractor's sole cost and expense, to promptly and fully indemnify, protect, hold harmless and defend (even if the allegations are false, fraudulent, or groundless), the City of Moreno Valley, its City Council, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and all of their respective officials, officers, directors, employees, commission members, representatives and agents ("Indemnitees"), from and against any and all claims, allegations, actions, suits, arbitrations, administrative proceedings, regulatory proceedings, or other legal proceeds, causes of action, demands, costs, judgments, liens, stop notices, penalties, liabilities, damages, losses, anticipated losses of revenues, and expenses (including, but not limited to, any fees of accountants, attorneys, experts or other professionals, or investigation expenses), or losses of any kind or nature whatsoever, whether actual, threatened or alleged, arising out of, resulting from, or in any way (either directly or indirectly), related to the Work, the Project or any breach of the Contract by Contractor or any of its officers, agents, employees, Subcontractors, Sub-subcontractors, or any person performing any of the Work, pursuant to a direct or indirect contract with the Contractor ("Indemnity Claims"). Such Indemnity Claims include, but are not limited to, claims for:
 - A. Any activity on or use of the City's premises or facilities;

- B. Any liability incurred due to Contractor acting outside the scope of its authority pursuant to the Contract, whether or not caused in part by an Indemnified Party;
- C. The failure of Contractor or the Work to comply with any Applicable Law, permit or orders:
- D. Any misrepresentation, misstatement or omission with respect to any statement made in the Contract Documents or any document furnished by the Contractor in connection therewith;
- E. Any breach of any duty, obligation or requirement under the Contract Documents, including, but not limited to any breach of Contractor's warranties, representations or agreements set forth in the Contract Documents:
- F. Any failure to coordinate the Work with City's Separate Contractors;
- G. Any failure to provide notice to any party as required under the Contract Documents:
- H. Any failure to act in such a manner as to protect the Project from loss, cost, expense or liability;
- I. Bodily or personal injury, emotional injury, sickness or disease, or death at any time to any persons including without limitation employees of Contractor;
- J. Damage or injury to real property or personal property, equipment and materials (including, but without limitation, property under the care and custody of the Contractor or the City) sustained by any person or persons (including, but not limited to, companies, corporations, utility company or property owner, Contractor and its employees or agents, and members of the general public);
- K. Any liability imposed by Applicable Law including, but not limited to criminal or civil fines or penalties;
- L. Any dangerous, hazardous, unsafe or defective condition of, in or on the Site, of any nature whatsoever, which may exist by reason of any act, omission, neglect, or any use or occupation of the Site by Contractor, its officers, agents, employees, or Subcontractors;
- M. Any operation conducted upon or any use or occupation of the Site by Contractor, its officers, agents, employees, or Subcontractors under or pursuant to the provisions of the Contract or otherwise;
- N. Any acts, errors, omission or negligence of Contractor, its officers, agents, employees, or Subcontractors;
- O. Infringement of any patent rights, licenses, copyrights or intellectual property which may be brought against the Contractor or Owner arising out of Contractor's Work, for which the Contractor is responsible; and
- P. Any and all claims against the City seeking compensation for labor performed or materials used or furnished to be used in the Work or alleged to have been furnished on the Project, including all incidental or consequential damages resulting to the City from such claims.
- 10.2. **Effect of Indemnitees' Active Negligence**. Contractor's obligations to indemnify and hold the Indemnitees harmless **exclude** only such portion of any Indemnity Claim which is attributable to the active negligence or willful misconduct of the Indemnitee, provided such active negligence or willful misconduct is determined by agreement of the parties or by findings of a court of competent jurisdiction. In instances where an Indemnitee's active negligence accounts for only a percentage of the liability for the Indemnity Claim involved, the obligation of Contractor will be for that entire percentage of liability for the Indemnity Claim not attributable to the active negligence or

willful misconduct of the Indemnitee(s). Such obligation shall not be construed to negate, abridge or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph 11. Subject to the limits set forth herein, the Contractor, at its own expense, shall satisfy any resulting judgment that may be rendered against any Indemnitee resulting from an Indemnity Claim. The Indemnitees shall be consulted with regard to any proposed settlement.

- 10.3. **Independent Defense Obligation.** The duty of the Contractor to indemnify and hold harmless the Indemnitees includes the separate and independent duty to defend the Indemnitees, which duty arises immediately upon receipt by Contractor of the tender of any Indemnity Claim from an Indemnitee. The Contractor's obligation to defend the Indemnitee(s) shall be at Contractor's sole expense, and not be excused because of the Contractor's inability to evaluate liability or because the Contractor evaluates liability and determines that the Contractor is not liable. This duty to defend shall apply whether or not an Indemnity Claim has merit or is meritless, or which involves claims or allegations that any or all of the Indemnitees were actively, passively, or concurrently negligent, or which otherwise asserts that the Indemnitees are responsible, in whole or in part, for any Indemnity Claim. The Contractor shall respond within thirty (30) Calendar Days to the tender of any Indemnity Claim for defense and/or indemnity by an Indemnitee, unless the Indemnitee agrees in writing to an extension of this time. The defense provided to the Indemnitees by Contractor shall be by well qualified, adequately insured and experienced legal counsel acceptable to the City.
- 10.4. Intent of Parties Regarding Scope of Indemnity. It is the intent of the parties that the Contractor and its Subcontractors of all tiers shall provide the Indemnitees with the broadest defense and indemnity permitted by Applicable Law. In the event that any of the defense, indemnity or hold harmless provisions in the Contract Documents are found to be ambiguous, or in conflict with one another, it is the parties' intent that the broadest and most expansive interpretation in favor of providing defense and/or indemnity to the Indemnitees be given effect.
- 10.5. **Waiver of Indemnity Rights Against Indemnitees.** With respect to third party claims against the Contractor, to the fullest extent permitted by law, the Contractor waives any and all rights to any type of express or implied indemnity against the Indemnitees.
- 10.6. **Subcontractor Requirements.** In addition to the requirements set forth hereinabove, Contractor shall ensure, by written subcontract agreement, that each of Contractor's Subcontractors of every tier shall protect, defend, indemnify and hold harmless the Indemnitees with respect to Indemnity Claims arising out of, in connection with, or in any way related to each such Subcontractors' Work on the Project in the same manner in which Contractor is required to protect, defend, indemnify and hold the Indemnitees harmless. In the event Contractor fails to obtain such defense and indemnity obligations from others as required herein, Contractor agrees to be fully responsible to the Indemnitees according to the terms of this Paragraph 11.
- 10.7. **No Limitation or Waiver of Rights.** Contractor's obligations under this Paragraph 11 are in addition to any other rights or remedies which the Indemnitees may have under the law or under the Contract Documents. Contractor's indemnification and defense obligations set forth in this Paragraph 11 are separate and independent from the insurance provisions set forth in the Contract Documents, and do not limit, in any way, the applicability, scope, or obligations set forth in such insurance provisions. The purchase of insurance by the Contractor with respect to the obligations required herein shall in no event be construed as fulfillment or discharge of such obligations. In any and all claims against the Indemnitees by any employee of the Contractor, any Subcontractor, any supplier of the Contractor or Subcontractors, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, the obligations under

this Paragraph 11 shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or any Subcontractor or any supplier of either of them, under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts. Failure of the City to monitor compliance with these requirements imposes no additional obligations on the City and will in no way act as a waiver of any rights hereunder.

- 10.8. **Withholding to Secure Obligations.** In the event an Indemnity Claim arises prior to final payment to Contractor, the City may, in its sole discretion, reserve, retain or apply any monies due Contractor for the purpose of resolving such Indemnity Claims; provided, however, the City may release such funds if the Contractor provides the City with reasonable assurances of protection of the Indemnitees' interests. The City shall, in its sole discretion, determine whether such assurances are reasonable.
- 10.9. **Survival of Indemnity Obligations.** Contractor's obligations under this Paragraph 11 are binding on Contractor's and its Subcontractors' successors, heirs and assigns and shall survive the completion of the Work or termination of the Contractor's performance of the Work.
- **11. SUCCESSORS AND ASSIGNS**. The Parties bind themselves, their heirs, executors, administrators, successors and assigns the covenants, agreements and obligations contained in the Contract Documents. The Contractor shall not, either voluntarily or by action of law, assign any right or obligation of the Contractor under the Contract Documents without prior written consent of the City.

(SIGNATURE PAGE FOLLOWS)

CITY OF MORENO VALLEY, Municipal Corporation Keystone Builders, Inc. License No./ City Manager Classification: DATE: Expiration Date: Federal I.D. No.: PRINT NAME:_____ **INTERNAL USE ONLY** ATTEST: SIGNATURE: City Clerk TITLE: _____ (only needed if Mayor signs) DATE:_____ APPROVED AS TO LEGAL FORM: City Attorney PRINT NAME:____ Date SIGNATURE: TITLE: _____ RECOMMENDED FOR APPROVAL: DATE: Public Works Director/City Engineer (if contract exceeds \$15,000) Date

SIGNING INSTRUCTIONS TO THE CONTRACTOR:

Signature(s) must be accompanied by a completed notary certificate of acknowledgement attached hereto. A general partner must sign on behalf of a partnership. **Two (2)** corporate officers must sign on behalf of a corporation unless the corporation has a corporate resolution that allows one person to sign on behalf of the corporation; if applicable, said resolution must be attached hereto. The corporate seal may be affixed hereto.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

□ Other

State of California	
County of	
On before me,	
(Her	re insert name and title of the officer)
personally appeared	,
within instrument and acknowledgement to me that	ace to be the person(s) whose name(s) is/are subscribed to the at he/she they executed the same in his/her/their authorized on the instrument the person(s), or the entity upon behalf of
I certify under PENALTY OF PERJURY under the l true and correct.	aws of the State of California that the foregoing paragraph is
WITNESS my hand and official seal.	
Signature of Notary Public	(Notary Seal)
DESCRIPTION OF THE ATTACHED DOCUMENT AGREEMENT SIGNATURE PAGE (Title or description of attached document) (Title or description of attached document continued)	ADDITIONAL OPTIONAL INFORMATION INSTRUCTIONS FOR COMPLETING THIS FORM Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be property completed and attached to that document. The only exception is if a document is recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.
Number of Pages Document Date	 State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment. Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed. The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
Additional Information	Print the name(s) of document signer(s) who personally appear at the time of notarization. Indicate the correct singular or plural forms by crossing off incorrect forms (i.e.
CAPACITY CLAIMED BY THE SIGNER Individual(s) Corporate Officer	he/she/they, is/ere) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording. The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form. Signature of the notary public must match the signature on file with the office of the county clerk.
(Title) Partner (s) Attorney-in-Fact	 ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document. ❖ Indicate title or type of attached document, number of pages and date. ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a

corporate officer, indicate the title (i.e. CEO, CFO, Secretary).

· Securely attach this document to the signed document.

CONTRACTOR'S BONDS

PREMIUM	\$

FAITHFUL PERFORMANCE BOND (100% of Total Contract Price)

PROJECT NO. 803-0002-70-77

Corporate Yard Phase 1 Administration Building

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City," has awarded to **Keystone Builders, Inc.**, as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City of Moreno Valley, and identified as **Project No. 803-0002-70-77**, and all Contract Documents are hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Contract Documents is required to furnish a bond guaranteeing the faithful performance of said Agreement;

NOW THEREFORE, we the undersigned Contractor and	, as
Surety, are held and firmly bound unto the City of Moreno	Valley, County of Riverside in the penal sum of
dollars, (\$	_), lawful money of the United States, to be paid
to the said City or its certain attorney, its successors and made, we bind ourselves, our heirs, executors and admisseverally liable (CCP 995.320 (a)(1)), firmly by these pres	inistrators, successors and assigns, jointly and

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Contract Documents and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgment is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

Contractor and Surety agree that this Faithful Performance Bond shall not be considered a part of the Agreement between Contractor and the City ("Agreement"). Contractor and Surety further agree that this Faithful Performance Bond is a separate obligation of the Contractor and its Surety, and that any attorneys' fee provision contained in this Faithful Performance Bond shall not apply to the Agreement. In the event there is any litigation between the parties arising from the breach of the Agreement, each party will bear its own attorneys' fees in the litigation.

CITY OF MORENO VALLEY Project No. 803-0002-70-77

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract Documents or to the Work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract Documents or to the Work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

	BOND NO
IN WITNESS WHEREOF, we have hereunto	set our hands, and seals on this day
of2015.	
CONTRACTOR (Principal)	SURETY
Contractor Name:	Name:
Address:	Address:
Telephone No.:	Telephone No.:
Print Name:	Print Name:
Signature:	Attorney-in-Fact Signature:
Approved as to Form this	
day of2015	
City Attorney City of Moreno Valley	

NOTE:

- The bond shall be executed by a California admitted surety insurer (CCP 995.311).
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact.
- The bond shall include an attached Notary Certificate for the Bidder.
- The bond shall include an attached original Power of Attorney only authorizing the Attorney-in-Fact to act for the Surety.
- The bond shall include the address at which the Principal (Bidder) and Surety may be served with notices, papers and other documents.
- The Bidder's and Surety's corporate seal may be affixed hereto.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California County of	SAIVITLL
On before me,	re insert name and title of the officer)
personally appeared	
who proved to me on the basis of satisfactory eviden within instrument and acknowledgement to me that	ce to be the person(s) whose name(s) is/are subscribed to the at he/she they executed the same in his/her/their authorized on the instrument the person(s), or the entity upon behalf of
true and correct.	aws of the State of California that the foregoing paragraph is
WITNESS my hand and official seal. Signature of Notary Public	(Notary Seal)
•	ADDITIONAL OPTIONAL INFORMATION INSTRUCTIONS FOR COMPLETING THIS FORM
DESCRIPTION OF THE ATTACHED DOCUMENT FAITHFUL PERFORMANCE BOND SIGNATURE PAGE (Title or description of attached document)	Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be property completed and attached to that document. The only exception is if a document is recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.
(Title or description of attached document continued) Number of Pages	 State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment. Date of notarization must be the date that the signer(s) personally appeared which
Document Date	 must also be the same date the acknowledgment is completed. The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public). Print the name(s) of document signer(s) who personally appear at the time of
Additional Information	 Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
CAPACITY CLAIMED BY THE SIGNER ☐ Individual(s)	 The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form. Signature of the notary public must match the signature on file with the office of the
☐ Corporate Officer ———————————————————————————————————	county clerk. Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document. Indicate title or type of attached document, number of pages and date.
☐ Attorney-in-Fact	 Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).

Project No. 803-0002-70-77
BOND NO.

PREMIUM \$

CITY OF MORENO VALLEY

LABOR AND MATERIALS PAYMENT BOND (100% of Total Contract Amount)

PROJECT NO. 803-0022-70-77

Corporate Yard Phase 1 Administration Building

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City", has awarded **Keystone Builders, Inc.**, as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City of Moreno Valley, and identified as **Project No. 803-0002-70-77**, and Contract Documents are hereby referred to and made a part hereof; and

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgment is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

Contractor and Surety agree that this Labor and Materials Payment Bond shall not be considered a part of the Agreement between Contractor and the City ("Agreement"). Contractor and Surety further agree that this Labor and Materials Payment Bond is a separate obligation of the Contractor and its Surety, and that any attorneys' fee provision contained in this Labor and Materials Payment Bond shall not apply to the Agreement. In the event there is any litigation between the parties arising from the breach of the Agreement, each party will bear its own attorneys' fees in the litigation.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)

PAYMENT BOND 00602-1

	BOND NO
IN WITNESS WHEREOF, we have hereunto	set our hands, and seals on this day
of2015.	
CONTRACTOR (Principal)	SURETY
Contractor Name:	Name:
Address:	Address:
Telephone No.:	Telephone No.:
Print Name:	Print Name:Attorney-in-Fact
Signature:	Signature:
Approved as to Form this	
day of2015	
City Attorney City of Moreno Valley	

NOTE:

- The bond shall be executed by a California admitted surety insurer (CCP 995.311).
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact.
- The bond shall include an attached Notary Certificate for the Bidder.
- The bond shall include an attached original Power of Attorney only authorizing the Attorney-in-Fact to act for the Surety.
- The bond shall include the address at which the Principal (Bidder) and Surety may be served with notices, papers and other documents.
- The Bidder's and Surety's corporate seal may be affixed hereto.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California County of _____ On ______ before me, _____ (Here insert name and title of the officer) personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal. (Notary Seal) Signature of Notary Public ADDITIONAL OPTIONAL INFORMATION INSTRUCTIONS FOR COMPLETING THIS FORM DESCRIPTION OF THE ATTACHED DOCUMENT Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be LABOR AND MATERIALS PAYMENT BOND property completed and attached to that document. The only exception is if a document is recorded outside of California. In such instances, any alternative SIGNATURE PAGE acknowledgment verbiage as may be printed on such a document so long as the (Title or description of attached document) Verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required. (Title or description of attached document continued) • State and County information must be the State and County where the document Number of Pages signer(s) personally appeared before the notary public for acknowledgment. • Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed. Document Date _____ The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public). Print the name(s) of document signer(s) who personally appear at the time of Additional Information Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this CAPACITY CLAIMED BY THE SIGNER information may lead to rejection of document recording. • The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.

 \square Individual(s) ☐ Corporate Officer (Title) Partner (s) Attorney-in-Fact

□ Other _____

county clerk. Additional information is not required but could help to ensure this

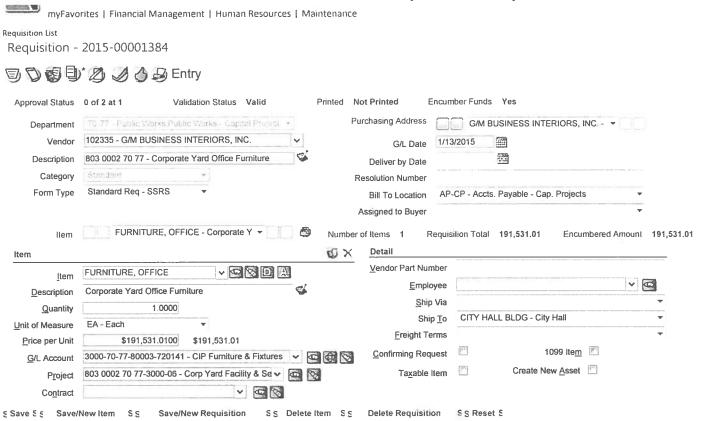
• Signature of the notary public must match the signature on file with the office of the

- acknowledgment is not misused or attached to a different document.
- Indicate title or type of attached document, number of pages and date.
- Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

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City of Moreno Valley



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APPROVALS	
BUDGET OFFICER	me
CITY ATTORNEY	L
CITY MANAGER	H

Report to City Council

TO: Mayor and City Council

FROM: Ahmad R. Ansari, P.E., Public Works Director/City Engineer

AGENDA DATE: January 27, 2015

TITLE: ACCEPTANCE OF THE CALIFORNIA ENERGY COMMISSION

(CEC) GRANT PON-13-606 FOR ELECTRIC VEHICLE (EV) CHARGING INFRASTRUCTURE ALTERNATIVE AND RENEWABLE FUEL AND VEHICLE TECHNOLOGY PROGRAM

RECOMMENDED ACTION

Recommendations:

- 1. Accept the City of Moreno Valley's share of the grant awarded by the California Energy Commission (CEC) to the Southern California Public Power Authority (SCPPA) for the Electric Vehicle Charging Infrastructure Alternative and Renewable Fuel and Vehicle Technology Program.
- 2. Authorize a revenue appropriation of \$50,000 in Fund 6010 for electric vehicle charging infrastructure.
- 3. Authorize a budget appropriation of \$50,000 for electric vehicle charging infrastructure.

SUMMARY

The CEC issued a competitive grant solicitation with the purpose to fund electric vehicle charging infrastructure in the following categories: destination charging, corridor charging, workplace charging, and multi-unit dwellings. SCPPA, a joint power authority consisting of eleven municipal utilities and one irrigation district across southern California, responded to the solicitation on behalf of its members and Moreno Valley Utility (MVU) under the category of corridor charging, and was awarded \$500,000 by the CEC. The City of Moreno Valley's share of the grant awarded by the CEC will cover 75% of the total cost of \$65,000 for installation of one Direct Current (DC) fast charger

for electric vehicles. The site chosen for the project is the Wal-Mart Super Center Shopping Center parking lot at Moreno Beach Drive and Trail Ridge Way. This item was discussed at the Moreno Valley Utilities Commission meeting on September 19, 2014 as part of a larger discussion of the creation an EV strategy for the City which will be brought back for Council's review and approval at a later date.

DISCUSSION

For the CEC Grant project, SCPPA will act as the lead agency and Project Manager on behalf of its members and Moreno Valley Utility and was authorized by its board to execute the Grant Agreement. SCPPA conducted a competitive bid process to select an electric vehicle supply equipment service provider to handle the equipment procurement, installation, and maintenance of each site.

The proposed sites in each SCPPA member's service territory have been selected for its location along transportation corridors, within one mile of a highway or freeway as required by the grant. Each utility will own and manage the sites located in their respective cities.

The location for MVU's project was chosen for its proximity to the 60 freeway and the Broadstone Rancho Belago Apartment complex. In addition to the DC fast charger, staff is proposing to install two Alternating Current (AC) Level 2 chargers. This will allow up to five electric vehicles to charge simultaneously. Staff has received permission for the installation of the electric vehicle chargers from Wal-Mart, and will coordinate with them during the length of the project.

<u>ALTERNATIVES</u>

- 1. Accept the City of Moreno Valley's share of the grant awarded by the CEC to SCPPA for the Electric Vehicle Charging Infrastructure Alternative and Renewable Fuel and Vehicle Technology Program, and authorize the revenue and budget appropriation related to the grant award. This will allow the City to promote the use of alternative fuel vehicles and reduce greenhouse gas emissions.
- 2. Do not accept the City of Moreno Valley's share of the grant awarded by the CEC to SCPPA for the Electric Vehicle Charging Infrastructure Alternative and Renewable Fuel and Vehicle Technology Program, and do not authorize the revenue and budget appropriation related to the grant award. This will increase costs for MVU in its efforts to install EV chargers that will promote the use of alternative fuel vehicles and will not provide the City the opportunity to reduce greenhouse gas emissions.

FISCAL IMPACT

MVU's share of the grant awarded will cover 75% of the cost to install one DC fast charger, which is estimated at \$65,000. The balance of the installation cost of the DC fast charger, plus the cost to install the two AC level 2 chargers (approximately \$10,000) will be paid out of the Public Purpose funds. Maintenance of the facilities is estimated to be approximately \$10,000 over a five-year period, and will also be paid out of Public Purpose Funds.

Public Purpose Program funds can only be utilized under a strict umbrella of programs, determined at the State level of government. Expenses associated with this project are allowed under the law.

Proposed appropriations:

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 14/15 Budget	Proposed Adjustments	FY 14/15 Amended Budget
Receipt of Grant	ELEC	6010-99-99-96011-486010	Rev	\$0	\$50,000	\$50,000
Research Design & Development	ELEC	6010-70-80-45511-710150	Exp	\$0	\$50,000	\$50,000

CITY COUNCIL GOALS

<u>Positive Environment</u>. Create a positive environment for the development of Moreno Valley's future.

NOTIFICATION

Posting of the Agenda.

ATTACHMENTS

None.

Prepared By: Jeannette Olko Electric Utility Division Manager Department Head Approval: Ahmad R. Ansari, P.E. Public Works Director/City Engineer This page intentionally left blank.



APPROVALS	
BUDGET OFFICER	me
CITY ATTORNEY	L
CITY MANAGER	H

Report to City Council

TO: Mayor and City Council

FROM: Chris Paxton, Administrative Services Director

AGENDA DATE: January 27, 2015

TITLE: APPROVE THE UPDATED MEMORANDUM OF

UNDERSTANDING BETWEEN THE CITY OF MORENO VALLEY

AND THE MORENO VALLEY MANAGEMENT ASSOCIATION

RECOMMENDED ACTION

Recommendations:

- 1. Approve the Memorandum of Understanding (MOU) between the City of Moreno Valley and the Moreno Valley Management Association (MVMA) which includes language establishing an "agency shop" agreement but leaves all previously agreed upon terms, conditions and language intact.
- 2. Authorize the City Manager to sign the agreement.

SUMMARY

In August 2014 MVMA requested to meet with the City to negotiate an "agency shop" agreement. Staff consulted with legal counsel and then negotiated over a number of months to craft language to be inserted into the existing MOU.

DISCUSSION

A labor agreement (MOU) between the City and MVMA is currently in place. That agreement expires on June 30, 2015. In August 2014 MVMA requested the City "meet and confer" to negotiate an "agency shop" agreement. In the field of labor relations the term agency shop refers to a type of union security agreement where any employee represented by the recognized bargaining group must either join the group and pay dues or pay an "agency fee" to the bargaining group for the purposes of covering

collective bargaining costs. This is the type of agreement the City currently has in place with the Moreno Valley City Employee's Association (MVCEA).

MVMA represents approximately 95 supervisory, professional and management employees. A little over half of the membership has signed a petition supporting agency shop and approximately 70 of the members are already voluntarily paying dues via payroll deduction. Given the above facts, staff negotiated appropriate agency shop language to be included in the existing MOU.

It should be noted that the California Government Code specifically excludes management employees from agency shop provisions. In Moreno Valley's case, this refers to division managers who were appointed prior to designation of those positions as "at will" classifications. While division managers can voluntarily opt to pay dues, they cannot be compelled to do so. This group makes up about 15% of the MVMA membership.

ALTERNATIVES

The following alternatives are available to the City Council:

- 1. Approve the MOU with MVMA that incorporates the agency shop agreement language and requires new and existing employees represented by MVMA to pay dues via payroll deduction.
- 2. Do not approve the MOU and leave the existing MOU in place. The payment of dues by MVMA members would continue to be voluntary.

Staff recommends Alternative No. 1.

FISCAL IMPACT

None.

ATTACHMENTS

Attachment 1 – Memorandum of Understanding

Prepared and Approved By: Chris Paxton Administrative Services Director Concurred By: Tom DeSantis Assistant City Manager

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MORENO VALLEY AND THE MORENO VALLEY MANAGEMENT ASSOCIATION 2012-2015 MOU as Updated in December 2014

The agreement entered into between the City of Moreno Valley and those employees designated as "Division Manager" (DM) and "Professional/Administrative/Management" (PAM) and sets forth the full terms and conditions of employment for members of the Moreno Valley Management Association (MVMA), subject to amendments reached by the parties in subsequent negotiations as provided for in this document.

The following is a list of provisions agreed to between the parties:

1. **TERM**

The term of this updated agreement shall be July 1, 2014 through June 30, 2015. All changes affecting members' salary/benefits agreed upon during the 2014 re-opener will take effect in the Pay Period which begins on July 5, 2014.

2. HOLIDAY SCHEDULE

City offices will be closed on the regularly scheduled holidays of December 24, 25, 2014 and January 1, 2015. In addition, offices will close on December 26, 2014. Employees must use accrued leave time for this day.

3. SALARY

Effective the first full pay period of July 2012 (which begins at noon on July 6th) implement a 4.75% across-the-board cost-of-living salary increase.

Any COLA increases deferred for employees during the entire period of FY 2008/2009 through FY 2011/12, are not to be retroactively credited, owed or otherwise be held for the future or credit, and are therefore forfeited and terminated. The City may, however, decide to implement COLA pay increases for employees when the City can afford to do so, subject to the meet and confer process.

4. MERIT INCREASES

The City and MVMA agree that merit pay increases will not be provided to employees who are covered by this agreement during the term of this agreement.

Any merit pay increase frozen for employees during the entire period of FY 2008/2009 through the term of this agreement are not to be retroactively credited, owed or otherwise be held for the future or credit, and are therefore forfeited and terminated. The City may, however, decide to implement merit pay increases for employees when the City can afford to do so, subject to the meet and confer process.

5. <u>FURLOUGH</u>

Effective July 5, 2014, the City's remaining 5% unpaid furlough program shall be eliminated. Full-time employees will return to a standard forty (40) hour work week and will be fully compensated for the forty (40) hours.

While scheduling remains a management prerogative, City and Association collaborated on how best to implement a unique scheduling formula required to reduce the 10% Furlough to 5% in 2013. This collaboration recognized that the partial elimination of the furlough would have varying impacts upon MVMA members working in various functional areas. The parties entered into this collaborative dialogue, again without precedent or prejudice to any past or future negotiations, to fully eliminate the furlough program in 2014. While maintaining prerogative over scheduling, the City will designate the "9/80 Work Schedule" as the standard. Under this schedule, full-time employees will work eight (8) nine-hour days and one (1) eight-hour day per two-week pay period. City offices will generally be open Monday through Friday, however schedules may vary at some facilities.

6. MANAGEMENT DIFFERENTIALS

Management differentials shall continue at 2% of salary for PAM and 4% of salary for DM for pre-September 30, 2011, employees and be reduced to 1.5% of salary for PAM and 3% of salary for DM for post September 30, 2011 employees. Management differentials shall continue to be paid at the full salary rate as if no reduction in hours had occurred pursuant to #5 above.

7. BENEFIT BANK

The benefit bank for pre-July 1, 2009, full time employees shall be \$14,829 per year for employees enrolled in the City's CalPERS medical insurance program with family coverage and \$14,229 per year for those that are not. The benefit bank for full time employees hired after July 1, 2009, and before September 30, 2011, shall be \$13,200 per year for employees enrolled in the City's CalPERS medical insurance program with family coverage and \$12,600 per year for those that are not. For full time employees hired prior to July 1, 2009, that voluntarily separate or are laid off from the City and are subsequently rehired by the City within one calendar year of his/her separation date, the benefit bank will be restored to \$14,229 or \$14,829 per year. For full time employees hired between July 1, 2009, and September 30, 2011, that voluntarily separate or are laid off from the City and are subsequently rehired by the City within one year of his/her separation date, the benefit bank will be restored to \$12,600 or \$13,200 per year. For full time employees hired after September 30, 2011, the benefit bank shall be \$9,450 per year. For part time career employees, the benefit bank shall be \$5,100 per year for pre-September 30, 2011, employees, and \$3,825 per year for post September 30, 2011 employees.

Effective with start of the first pay period following July 1, 2013, all MVMA members enrolled in family coverage will receive an additional monthly contribution by the City of \$150 to help

defray increased health insurance costs. Career part-time employees accrue this additional benefit on a prorated basis. This additional contribution will continue throughout the term of the current MOU (through June 2015), and will not increase further in 2014.

8. PERS EMPLOYEE CONTRIBUTIONS

Employees hired after July 1, 2009 shall pay the employee's portion of CalPERS retirement contributions for retirement formula 2.7%@55 (currently 8%). Employees hired after December 23, 2011 shall pay the employee's portion of CalPERS retirement contributions (currently 7%) for retirement formula 2%@55. These contributions shall be deducted from the employee's bi-weekly pay. In addition, the City will cease paying the Employer Paid Member Contribution (EPMC) for these employees. Employees that voluntarily separated from the City and subsequently rehired by the• City within one calendar year of his/her separation date, the City will pay the employee's share of CalPERS contributions in the same manner as done prior to the separation.

9. PERS RETIREMENT PLAN

Employees hired prior to December 23, 2011, shall continue to participate in the PERS 2.7% @ 55 Benefit plan with Highest Year Pay Calculation (with Employer Paid Member Contribution [EPMC] for those employees hired prior to July 1, 2009). Employees hired after December 23, 2011, shall participate in the PERS 2.0% @ 55 Benefit plan with 3-year Average Pay Calculation.

The City provides retirement benefits for all employees through the Public Employees Retirement System (PERS). The City pays both the employee's and employer's contributions into the plan for employees hired prior to July 1, 2009. Employees hired on or after July 1, 2009, pay their own employee's contribution into the plan, under the provisions of Internal Revenue Code Section 414 (h) (2) for pretax contributions. This does not apply to promotional hires, whose original hire date was prior to July 1, 2009. At

its option, the City may change its retirement system provider upon adoption by the City Council. Prior to any changes in retirement benefits, those eligible for retirement must be notified at least 30 days in advance. Current retirement benefits are available as follows:

- A. Career Full-time Employees hired prior to July 1, 2009 receive fully-paid PERS retirement benefits. Career Full-time Employees hired on or after July 1, 2009, pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414 (h) (2) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution.
- B. Career Part-time Employees hired prior to July 1, 2009 receive fully paid PERS retirement benefits after 1,000 hours. Before that point, the employee will have the employee's portion deducted from salary. Career Part-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414 (h) (2) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution.

C. Part-time/Seasonal. Temporary Employees, and Crossing Guards who are not eligible for PERS, are required to contribute 7.5% of earnings to a PST "457" deferred compensation program. Contributions to this plan will be made through payroll deduction. Employees eligible for participation in the PERS retirement plan (after 1,000 hours worked in a fiscal year) are responsible for the cost of their employee portion of PERS payment.

PERS refunds may be issued ONLY if the member has permanently separated from all PERS-covered or reciprocal employment. Or, if members have been on an unpaid leave of absence for at least six (6) months, they may request a refund of their contributions prior to returning to active employment.

Any employee hired prior to July 1, 2009, if promoted on or after July 1, 2009, will still be eligible for all benefit rates provided for employees hired prior to July 1, 2009 for the bargaining unit the employee is in on or after July 1, 2009.

For employees hired prior to July 1, 2009, that voluntarily separate or are laid off from the City and are subsequently rehired by the City within one calendar year of his/her separation date, the City will pay the employee's share of CalPERS contributions in the same manner as done prior to the separation.

10. MEETINGS

Employees designated as DM and PAM shall be allowed one hour of paid release time to attend employee relations meetings twice per year. Additional release time for employee relations purposes may be granted by the City Manager upon request.

11. FORFEITED LEAVE BALANCES

During the term of this agreement, if any PAM or DM employee is laid off as the result of a reduction in force and subsequently forfeits any unused sick leave pursuant to City personnel rules, and that employee is later re-called to work within the period provided for in Section 15 (Recall Period) of this MOU, that employee shall have any forfeited sick leave reinstated to a frozen sick leave account established in his/her name. Existing City rules for the use of frozen sick leave will continue to apply to these accounts.

12. ANNUAL LEAVE

The City's existing Annual Leave program shall be modified as follows:

- A. The limit of accrued Annual Leave will be 1,664 hours for employees hired prior to September 30, 2011, and 800 hours for employees hired on or after September 30, 2011. Once an employee reaches his/her respective cap, annual leave accruals will be suspended.
- B. 100% of accrued Annual Leave balances shall be paid in full at the time of separation.

C. Career employees accrue annual leave time based on their years of service and employee group. The annual accrual rate is listed below:

All Employees (hired prior to 9/22/1992)

	<u>11+ years</u>
PAM	332 hours
DM	352 hours

Tier I and II employees (hired prior to 9/30/2011)

Employee Group	<u>0-5 years</u>	<u>6-10 years</u>	<u>11+ years</u>
PAM	252 hours	292 hours	316 hours
DM	272 hours	312 hours	336 hours

Tier III employees (hired on or after 9/30/2011)

Employee Group	<u>0-5 years</u>	<u>6-10 years</u>	<u>11+ years</u>
PAM	234 hours	274 hours	314 hours
DM	252 hours	292 hours	332 hours

- D. During each calendar year, each full time career employee shall use a minimum of 80 hours of annual leave.
- E. Authorized Holidays are as follows:

New Year's Day
Martin Luther King, Jr. Birthday
Presidents Day
Memorial Day
Independence Day
Labor Day
Veterans' Day
Thanksgiving
Day after Thanksgiving
Christmas Holiday (2 days)

F. Employees will be paid Holiday Pay for all working hours scheduled to be worked on a holiday. Thus, career, Full-Time Employees will be paid ten hours on a holiday that falls on a ten hour work day, nine 1/2 hours on holidays that fall on a nine 1/2 hour work day, eight hours on holidays that fall on an eight hour work day, or the appropriate number of hours for any schedule identified within Section 5 of this agreement. This only involves official holidays as recognized by the City. Two floating holidays will be credited at 8 hours and will continue to be included in Annual Leave accrual rates as described in Section C above.

- G. When a holiday falls on an employee's furlough day or regular day off the employee shall be credited with the appropriate number of hours in his/her Holiday Leave Bank. Hours will be credited as described in Section F above. Unless otherwise noted in this MOU.
- H. At retirement, Frozen Sick Leave balance (sick leave accrued prior to December 14, 2007) will be paid as elected by the employee per the following formulas:
 - 1. 70% PERS Service Credit with 30% Cash Out
 - 2. 80 % PERS Service Credit with 20% Cash Out
 - 3. 90 % PERS Service Credit with 10% Cash Out
 - 4. 100 % PERS Service Credit with 0% Cash Out

Upon separation, employees shall be paid for 40% of Frozen Sick Leave. The remaining 60% shall be forfeited. The exception shall be those employees with sick leave balances "frozen" as of 9/22/92. For those employees, upon retirement, 40% of remaining "frozen" sick leave shall be available for use as PERS service credit while the remaining 60% shall be paid out in cash. Employees not retiring under the City's CalPERS contract shall forfeit the 40% of "frozen" sick leave.

13. VEBA CONTRIBUTION

The City contribution toward individual VEBA accounts for employees hired prior to September 30, 2011 shall temporarily be made at 50% of the full contribution, with the temporary monthly contributions being \$37.50 for full-time permanent employees. For employees hired on or after September 30, 2011, the VEBA shall be fully funded at \$75 per month for full-time permanent employees.

The purpose of the VEBA is to provide employees with the ability to plan for future as well as current health care expenses as included under section 213 of the Internal Revenue Code.

Employees realize a significant benefit under this Plan as eligible contributions to a VEBA Trust and the reimbursed expenses from the VEBA Trust are tax exempt.

- A. All members of the Moreno Valley Management Association are eligible to participate in the program and are given a one-time option of participating or not participating in the program. The option must be exercised within fifteen (15) days of its offering and is irrevocable.
- B. Levels of contribution for the duration of the current agreement between the parties, for all participants, are as follows:

Mandatory deduction from salary: \$25.00 per pay period.

or in the alternative, contribution amounts within the unit may be made, if the particular sub-unit is composed of a minimum of three employees, by years of service:

0-5 years	\$ 25.00 per pay period
6-10 years	\$ 25.00 per pay period
11-15 years	\$ 25.00 per pay period
16+ years	\$ 25.00 per pay period

C. In addition, participating employees' final accrued Annual Leave shall be allocated to their respective individual VEBA accounts as follows:

10% of payable hours on record at time of separation of employment which is defined as retirement, resignation, or termination of employment from the City of Moreno Valley.

D. All employee contributions made to a VEBA account shall comply with applicable IRS Codes. If the Internal Revenue Service concludes that a portion of the VEBA Program does not qualify under the requirements of the Tax Code, or the Plan no longer qualifies, the City shall meet with the Moreno Valley Management Association and discuss options to bring the Plan into compliance, or discontinue the Plan.

14. POST RETIREMENT MEDICAL BENEFIT

City Paid Retiree Medical Benefit: Effective January 1, 2001 the City shall pay a minimum of the monthly fee required by PERS for enrollment of retirees as required under the Public Employees' Medical and Hospital Care Act (PEMHCA) for employees who retire from the City of Moreno Valley under the CalPERS program.

Employees hired prior to September 30, 2011 who retire under the CalPERS retirement benefits system with a minimum of five full-time years of service with the City, shall also be eligible to receive a benefit which is the lesser of the cost of medical coverage for the retiree and spouse, or a maximum employer contribution of \$318.73 per month.

To receive the Retiree Medical Benefit, the retiree must submit documentation of payment for medical insurance coverage. Documentation for those enrolled with PERS Health is provided by PERS. In the event of the retiree's death, the surviving spouse continues to be eligible to receive the benefit.

Employees hired on or after September 30, 2011 will not be provided the City paid retiree medical benefit described in the above. For these employees, the City will pay \$75 per month towards active employees' Voluntary Employee Benefits Association (VEBA) account for retirement health insurance expenses. Employees must serve a minimum of five years of full-time employment with the City in order to become vested and eligible to use their VEBA account upon retirement.

All employees who retire under both the City of Moreno Valley and CalPERS retirement benefits system are eligible to participate in the CalPERS medical insurance program under the Public Employees Medical and Hospital Care Act (PEMCHA), and the City pays the monthly minimum fee required for each retired City of Moreno Valley employee who participates in PEMCHA.

Retirees must convert to Medicare at age 65.

15. LAYOFFS/REDUCTIONS-IN-FORCE/RECALL

The City Manager may lay off permanent and probationary workers at any time for lack of work, budgetary reasons, technological changes, or other City actions that necessitate a reduction in the work force. At least four weeks' notice shall be given to any employee who is to be laid off. At the City Manager's discretion, a demotion or transfer to another department or classification may be made to prevent a layoff provided the employee is qualified by education and/or experience and is capable of performing the duties of the classification. The Department Directors, in consultation with the Administrative Services Director, and as approved by the City Manager, will effect the layoffs.

15.1 Reduction in Force:

When it becomes necessary to reduce the work force in the City, the City Manager shall designate the job classification, division, department, or other organizational unit in order to effect a, reduction in the work force. Contract, temporary, seasonal, or initial probationary employees in the same job classification(s) proposed to be reduced within the City shall be laid off first. Probationary promotional employees who are laid off shall be returned to their former classification. Employees who accept lower positions or transfers in lieu of lay-off shall be placed at a pay level within the salary range of the new position which yields a salary closest to current salary,

15.2 Order of Layoff for MVMA Employees:

The order of layoff of MVMA unit career employees shall be made in accordance with a system which favors retention of the more meritorious employees, based upon evaluation of the following factors in the listed order of implementation:

- A. An overall rating of "unsatisfactory" or "needs improvement" on the most recent performance evaluation once finalized and filed in Human Resources except when an employee has less than one year seniority with the City. In that case, only seniority will be used.
- B. Documented disciplinary actions during the preceding twelve (12) months.
- C. Seniority (length of service in a career position):
 - 1. in the city
 - 2. in the classification
 - 3. in the department

For MVMA employees who are equal in performance and seniority, as established in A-C above, preference will be given to those with proof of honorable military discharge,

15.3 Seniority:

Seniority is determined from the day of official appointment to a City department as a career employee, provided that any career employee, who, as a result of promotion, transfer, or

voluntary demotion, is appointed to a career position in another department, shall for purposes of layoff, carry seniority previously acquired over to the new department.

Seniority shall continue to accrue during periods of Annual Leave, layoff not exceeding three (3) years, any authorized leave of absence of less than three (3) months, or any call to military service for the duration of the call to duty. Seniority shall not accrue during any other break in continuous service.

15.4 Other Policies:

The City may call back as a temporary employee, within the first year after layoff, any laid off employee who is on the recall list when the employee is qualified to fill a vacancy of a full time position.

Any employee who receives an <u>involuntary</u> transfer shall have the option to be reinstated to a vacated position in the classification from which said employee was involuntarily transferred for up to six (6) months from the effective date of the involuntary transfer in the event of layoff.

An employee who chooses to terminate and have his/her name placed on the Reinstatement List under this section shall notify the department in writing of his/her decision at least three (3) working days prior to the effective date of reassignment. Such termination shall be on the same date as the reassignment would have been effective.

15.5 Recall Period:

The recall period for employees laid off prior to June 30, 2011 shall be two years from the date of their layoff. The recall period for employees laid off on or after June 30, 2011, shall be three years from the date of their layoff.

15.6 Recall List:

The name of every career employee who is laid off, transfers, or elects to demote to a formerly held classification in the same department for longer than one pay period due to a Reduction-in-Force, shall be placed on the Recall List, except that the names of those MVMA unit employees laid off under Sections A & B under in "Order of Layoff for MVMA Employees" above, shall not be placed on the recall list. Vacancies to be filled within a department shall be offered to individuals named on the Recall List who, at the time of the Reduction-in-Force, held a position in the same job classification within the department as the vacancy to be filled. Order of recall shall be same as order of layoff.

A. Individual names may be removed from the Recall List for any of the following reasons:

- The expiration of three (3) years from the date of placement on the list, effective June 30, 2011.
- Re-employment with the City in a career full-time position in a department other than that from which the employee was laid off.

- Failure to respond within 14 calendar days of mailing a certified letter regarding availability for employment.
- Failure to report to work within 14 calendar days of mailing of a certified letter containing a notice of reinstatement to a position, absent mitigating circumstances.
- Request in writing, including e-mail, to be removed from the list.

In the event of a vacancy, if there are no individuals on the recall list who formerly occupied the vacant classification, those individuals on the recall list who possess the necessary qualifications for the vacant classification shall be eligible for recall to the vacancy. Eligibility order shall be the same as the order of lay-off.

No person from outside City employment shall be hired in a career position in the deleted classification until all those displaced due to layoffs or transfers are recalled to their former classification or one classification lower in the same career ladder as the one in which the employee was laid off.

15.7 Status on Re-employment:

Effective June 30, 2011, a career employee who has been laid off or terminates in lieu of reassignment and is re-employed in a career position within three (3) years from the date of his layoff or termination shall be entitled to:

- A. Buy back and thereby restore all or a portion of Annual Leave credited to the employees' account on the date of layoff or termination and at the same rate as it was sold originally. This restoration must be requested in writing within 30 days of returning to work and must be fully paid back within six (6) months of the return to work.
- B. Restoration of seniority accrued prior to and accrued during layoff.
- C. Credit for all service prior to layoff for the purpose of determining the rate of accrual of Annual Leave.
- D. Placement in the salary range as if the employee had been on a leave of absence without pay if he/she is reinstated to the same job classification in the same department from which he/she was laid off or terminated.
- E. In accordance with CalPERS regulations, restoration to the same level of CalPERS benefits and City paid member contribution that the employee received prior to being laid off or terminated.
- F. Restoration to the same level of flexible benefits (i.e. benefit bank) that the employee received prior to being laid off or terminated.

15.8 Continuation of Benefits:

Those who are laid off shall have their medical insurance benefits continued to the end of the second month following the date of their layoff in the event that they are not covered by another medical plan at that time.

16. WORKPLACE IMAGE

The City's Image policy will permit denim pants on Thursday subject to reasonable quality standards established by the Human Resources Department prior to implementation.

17. EXEMPT TEMPORARY EMPLOYEES

The City may exempt temporary employees from the PERS Contract and add a PERS payroll code to simplify payroll.

18. DIRECT PAYROLL DEPOSIT

The City may require the use of Direct Payroll Deposit as a condition of employment for employees hired after September 30, 2011.

19. OTHER BENEFITS

There shall be no other reductions in City paid benefits during the term of this agreement.

20. RE-OPENER CLAUSE

The parties recognize that the economic enhancements included in this Updated Agreement constitute the final economic enhancements to occur during the term of the current MOU which expires on June 30, 2015. Parties retain their respective prerogative to request re-openers on Personnel Rules and Regulations issues, and any other topics of mutual consent during the term of this Agreement.

Discussions will commence within 30 days of the request by either party pursuant to the provisions of this Section.

21. PARITY

During the term of this agreement, MVMA shall have the right to incorporate into this agreement the comparable value of any additional economic enhancements agreed upon between the City of Moreno Valley and the Moreno Valley City Employees Association (MVCEA).

22. PROBATIONARY PERIOD

The first twelve (12) months, or any duly extended longer period, of all new employment in a career position shall be deemed a probationary period. The first six (6) months, or any duly

extended longer period, of all promotional employment in a career position shall be deemed a probationary period. The probationary period shall commence upon the effective date of the appointment.

During the probationary period, an employee may be terminated without the right of appeal, hearing or resort to any grievance procedure if his or her performance is deemed in any way unsatisfactory or below City standard by the City Manager, upon recommendation of the Department Head. At the conclusion of the probationary period, if the employee's performance does not meet City standards but is not altogether unsatisfactory, the probationary period may be extended up to an additional period of the same duration, at the discretion of the City Manager.

The decision to extend the length of an employee's probationary period must be based on justifiable reasons and must be made prior to the expiration of the original probationary period. Such a decision shall not be appealable or grievable.

Before an employee may promote, they must first successfully complete original probation. An employee who fails to complete his or her promotional probationary period satisfactorily shall be reinstated to the position in the same classification from which he or she was promoted unless discharged from City service as provided in the City's Personnel Rules.

23. PERFORMANCE EVALUATIONS

Meaningful performance feedback is critical to the City's success in delivery of service to Moreno Valley residents. Evaluations must recognize individual employees' distinct accomplishments and hold each employee accountable for fulfilling his/her assigned duties in a professional manner.

- a. To assist in meeting this essential management responsibility, the City will engage the services of a consultant with extensive public and private sector experience to review the City's current process and recommend a specific training regimen for all raters.
- b. Success in this area will require that Managers, at all levels, are held accountable to provide employees with ongoing verbal feedback and meaningful performance evaluations which:
 - 1) Reflect unique performance levels of each rated employee;
 - 2) Represent the culmination of ongoing verbal feedback provided throughout the rating period; and
 - Are reviewed and approved by Department Directors prior to being presented to rated employees (to ensure that raters are meeting the City's commitments as outlined herein).

24. LABOR-MANAGEMENT COMMITTEE

Subject to concurrence by the Moreno Valley City Employees Association (MVCEA), a Labor-Management Committee Co-Chaired by the MVCEA and MVMA Presidents/designees and the Administrative Services Director will meet as needed to discuss the implementation of meaningful employee performance feedback and review, including accountability guidelines.

25. PUBLIC SERVICE RECOGNITION

In the paychecks issued closest to December 1, 2013 and December 1, 2014, each MVMA member will receive a payment of \$500. Career part-time employees accrue this additional benefit on a prorated basis (\$250).

26. MANAGEMENT ACCOUNTABILITY

Managers and supervisors will uphold performance and conduct standards for all employees. Key areas of concern include, but are not limited to: performance, attendance, and adherence to City policies.

27. AGENCY SHOP

The parties have negotiated an "Agency Shop" agreement.

A. <u>Legislative Authority</u>

The parties mutually understand and agree that as a result of State of California adoption of SB 739, all unit employees represented by the Moreno Valley Managers Association have the right to join or not join the Association. However, the enactment of a local "Agency Shop" requires that as a condition of continuing employment, professional and supervisory employees in the bargaining unit either join the Association or pay to the Association a service fee in lieu thereof. Managers in the unit will not be subject to this agreement. Such service fee shall be established by the Association, and shall not exceed the standard initiation fee, periodic dues and general assessments of the Association.

B. Association Dues/Service Fees

- (1) Effective upon the signing of this document, the Human Resources Department shall provide all current employees and any employees hired thereafter with an authorization notice advising them that the City has entered into an Agency Shop agreement with the Association, and that all employees subject to the Agreement must either join the Association, pay a service fee to the Association, or execute a written declaration claiming a religious exemption from this requirement. Such notice shall include a form for the employee's signature authorizing payroll deduction of Association dues or a service fee, or a charitable contribution equal to the service fee. Said employees shall have 14 calendar days from the date they receive the form to fully execute it and return it to Human Resources.
- (2) If the form is not completed properly and returned within 14 calendar days, the City shall commence and continue a payroll deduction of service fees from the regular biweekly paychecks of such employee. The effective-237- of Association dues, service feet No. A.8

contribution shall begin no later than the first full pay period after receipt of the authorization form.

(3) The employee's earnings must be sufficient after the other legal and required deductions are made to cover the amount of the dues or fees authorized. When an employee is in a non-pay status for an entire pay period, no withholding will be made to cover the pay period from future earnings. In the case of an employee in a non-pay status only during part of the pay period, whose salary is not sufficient to cover the full withholding, no deduction shall be made. In the case of an employee who is receiving catastrophic leave benefits during a pay period, no deduction shall be made. In this connection, all other legal and required deductions (including health care and insurance deductions) have priority over Association dues and service fees.

C. Religious Exemption

- (1) Any employee who is able to demonstrate that he/she is a member of a bona fide religion, body, or sect that has historically held conscientious objections to joining or financially supporting public employee organizations shall not be required to join or financially support any public employee organization as a condition of employment. The employee will be required, in lieu of periodic dues, initiation fees, or agency shop fees, to pay sums equal to the dues, initiation fees, or agency shop fees to a nonreligious, non-labor charitable fund exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, chosen by the employee from a list of at least three of these funds, designated in a memorandum of understanding between the City and the Association, or if the memorandum of understanding fails to designate the funds, then to any such fund chosen by the employee. Charitable contributions shall be by regular payroll deductions only in order to qualify as a condition of continued exemption from the requirement of financial support to the Association.
- (2) Declarations of or applications for religious exemption and any other supporting documentation shall be forwarded to the Association within 14 calendar days of receipt by the City. The Association shall have 14 calendar days after receipt of a request for religious exemption to challenge any exemption granted by the City. If challenged, the deduction to the charity of the employee's choice shall commence but shall be held in escrow pending resolution of the challenge.

D. Rescission

The agency shop provision in this memorandum of understanding may be rescinded by a majority vote of all the employees in the unit covered by the memorandum of understanding, provided that:

- (1) A request for such a vote is supported by a petition containing the signatures of at least 30 percent of the employees in the unit;
- (2) The vote is by secret ballot;
- (3) The vote may be taken at any time during the term of the memorandum of understanding, but in no event shall there be more than one vote taken during that term. Notwithstanding the above, the City and the Association may negotiate, and by mutual agreement provide for, an alternative procedure or procedures regarding a vote on an agency shop agreement.

Item No. A.8 cission vote" is approved by u-238-2 mbers during the term of a current MOU, the Association agrees not to petition for or seek Agency Shop status for the remainder of the

current MOU.

E. Records

The Association shall keep an adequate itemized record of its financial transactions and shall make available annually, to the City, and to the employees who are members of the organization, within 60 days after the end of its fiscal year, a detailed written financial report thereof in the form of a balance sheet and an operating statement, certified as to accuracy by its president and treasurer or corresponding principal officer, or by a certified public accountant.

F. <u>Indemnification</u>

The Association shall indemnify, defend and hold the City harmless against any liability arising from any claims, demands, or other action relating to the City's compliance with the agency fee obligation, including claims relating to the Union's/Association's use of monies collected under these provisions. The City reserves the right to select and direct legal counsel in the case of any challenge to the City's compliance with the agency fee obligation, and the Association agrees to pay any attorney, arbitrator or court fees related thereto.

28. RATIFICATION AND EXECUTION

The City and MVMA acknowledge that this Memorandum of Understanding shall not be in full force and effective until ratified by the bargaining unit and approved by the Moreno Valley City Council. Subject to the foregoing, this Memorandum of Understanding is hereby executed by the authorized representatives of the City and Association, and entered into this day of January, 2015.

For City:	For MVMA:
Michelle Dawson, City Manager	Felicia London, President
Tom DeSantis, Assistant City Manager	Shanikqua Freeman, Vice-President
	Patty Grube, Secretary
	John Kerenyi, Treasurer
	Leisa Gage, PAM Representative

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MINUTES - SPECIAL CEREMONIAL MEETING OF JANUARY 6, 2015 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM <u>A.2</u>

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MINUTES - SPECIAL MEETING OF JANUARY 6, 2015 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM <u>A.3</u>

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APPROVALS	
BUDGET OFFICER	me
CITY ATTORNEY	8MB
CITY MANAGER	<citymanager></citymanager>

Report to City Council

TO: Mayor and City Council Acting in its Capacity as President and

Members of the Board of Directors of the Moreno Valley Community

Services District (CSD)

FROM: Richard Teichert, Chief Financial Officer

AGENDA DATE: January 27, 2015

TITLE: CERTIFICATION OF SPECIAL ELECTION RESULTS FOR

COMMUNITY FACILITIES DISTRICT NO. 1 (PARK

MAINTENANCE)—ANNEXATION NO. 2015-33

RECOMMENDED ACTION

Recommendation:

 That the legislative body of Community Facilities District No. 1 (Park Maintenance) approve and adopt Resolution No. CSD 2015-02. A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Results of an Election and Adding Property to Community Facilities District No. 1 (Park Maintenance) for Annexation No. 2015-33.

SUMMARY

This action certifies the results of the special election, which annexes three (3) parcels into CFD No. 1 (Park Maintenance). This action affects only 1 property owner, not the general citizens or taxpayers of the City. Certifying the results of the special election authorizes the City to levy the CFD No. 1 (Park Maintenance) special tax on the annual property tax bills for the three parcels proposed to be annexed into the District. The parcels are located east and west of the Quincy Channel, between Brodiaea Ave. and Cactus Ave. The special tax currently applied to the property tax bills is \$122.40. The maximum special tax (\$155.33) is subject to an annual CPI adjustment, which must be reviewed and approved by the City Council each year. A process chart (Attachment 3) shows the procedure the property owner/developer follows to voluntarily elect to annex properties into the District.

To satisfy the conditions of approval for its residential development, CV Communities approved the annexation of its properties (Assessor's Parcel Numbers 478-090-007, 478-100-009 and 478-100-034 into Community Facilities District No. 1 [Park Maintenance]). This approval also authorizes the City to levy a special tax on its annual property tax bills. The special tax will fund the ongoing maintenance services of park facilities in the District. Annexation into Community Facilities District No. 1 (Park Maintenance) generates special taxes that preserve CSD Zone A funds to be used for recreation programs and the maintenance of existing parks (prior to July 8, 2003).

DISCUSSION

History

The Moreno Valley Community Services District ("CSD") established zones to fund and account for the costs of specific public services that are provided by the City to the properties that are receiving benefit from those services. Revenue from the CSD Zone A program funds the maintenance of parks, park facilities, and multi-use trails, as well as recreation program services which serve the citizens of Moreno Valley. CSD Zone A's parcel tax has remained fixed at \$87.50 per parcel, per year (or per Dwelling Unit ["DU"] for apartments) since fiscal year ("FY") 1992/93. Zone A's parcel tax alone is insufficient to fund expenses for the operation and maintenance of both existing and future parks and community services.

On July 8, 2003, the CSD Board of Directors ("CSD Board") established Community Facilities District No. 1 (Park Maintenance) ("CFD No. 1" or "District"). This District was established for the purpose of funding the maintenance and/or repair of new parks, trails and park improvements, and all efforts by Park Rangers within the District. At the time the District was formed, the CSD Board also authorized a future annexation area boundary for the District to allow subsequent developments a simplified method to annex into the District. Since that time, new residential development projects are conditioned to provide an ongoing funding source to support the District.

Residential housing Tracts 30924, 30998, and 31050 were the original boundaries which formed the District. Since District formation, the CSD Board has certified and approved an additional 65 property owner requests to annex their residential developments into the District. Likewise, the developer of residential housing Tract 36436 (CV Communities) has elected to satisfy its conditions of approval to provide an ongoing funding source for park maintenance services by annexing into CFD No. 1 (Park Maintenance).

Annexation to the District

The Mello-Roos Community Facilities Act of 1982 states that if there are fewer than 12 registered voters living within the proposed annexation area, an election of the landowners may be held. On November 25, 2014, the Office of the Riverside County Registrar of Voters confirmed that there were no registered voters residing

at Assessor's Parcel Numbers 478-090-007, 478-100-009, and 478-100-034 (the "Parcels"), allowing for a special election of the landowners to be conducted.

The parcels are located east and west of the Quincy Channel, between Brodiaea Ave. and Cactus Ave. Annexation materials were provided to the property owner of the Parcels on December 1, 2014. The annexation materials included a cover letter, Consent and Waiver form, Rate and Method of Apportionment of Special Tax, official ballot, and ballot envelope for returning the ballot.

The property owner submitted its ballot to the Secretary of the CSD Board prior to the scheduled due time and date of 5:00 p.m. on December 15, 2014. The property owner also submitted a Consent and Waiver form requesting the CSD shorten the time to conduct a special election for the property proposed to be annexed to CFD No. 1 (Park Maintenance).

On December 16, 2014, following verification that the Consent and Waiver form was executed, the Secretary of the CSD Board counted and verified the ballot. The property owner unanimously approved the annexation into the District and authorized the levy of the special tax onto its annual property tax bills.

ALTERNATIVES

- 1. Adopt the CSD Resolution to certify the results of the special election to add property into CFD No. 1 (Park Maintenance) as Annexation No. 2015-33. Certification of the election results will allow the Parcels to be annexed into CFD No. 1 and authorize the levy of the special tax on the annual property tax bills for those 3 parcels the property owner approved.
- 2. **Do not adopt the CSD Resolution** to certify the results of the special election to add property into CFD No. 1 (Park Maintenance) as Annexation No. 2015-33. *If the attached Resolution is not adopted, the CSD is unable to annex the Parcels into CFD No. 1 or levy the special tax on the annual property tax bills at the property owner's request. This may delay the developer's ability to satisfy its conditions of approval.*
- 3. Do not adopt the CSD Resolution to certify the results of the special election to add property to CFD No. 1 (Park Maintenance) but rather continue the item to a future CSD Board meeting (regular City Council meeting). This may delay the developer's ability to satisfy its conditions of approval.

FISCAL IMPACT

The FY 2014/15 maximum special tax rate is \$155.33 per DU; however, the special tax was applied at a lower rate for the FY at \$122.40 per DU. The maximum special tax is subject to an annual inflation adjustment by the percentage increase of the consumer price index (CPI) or by two percent (2%), whichever is greater. The annual special tax is collected on the Riverside County property tax bills.

CV Communities, the developer of Tract 36436, plans to construct 159 residential dwelling units. Calculated at the FY 2014/15 applied special tax rate, the tract will contribute \$19,461.60 in additional revenue to be used for the District. CFD No. 1 special taxes are restricted for the maintenance and operation of CFD No. 1 park facilities and services, and are only collected on properties where property owners have previously approved the special tax to be levied on the annual property tax bill.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Public Facilities and Capital Projects

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

On December 1, 2014, documents to annex into CFD No. 1 (Park Maintenance) were provided to the property owner.

<u>ATTACHMENTS</u>

- Proposed CSD Resolution Certifying the Results of the Election for Annexation No. 2015-33 and Adding Property to CFD No. 1 (Park Maintenance)
- 2. Annexation No. 2015-33 Map
- 3. Process Chart to Annex into CFD

Prepared by: Jennifer Terry, Management Analyst

Concurred by: Candace E. Cassel, Special Districts Division Manager Department Head Approval: Richard Teichert, Chief Financial Officer

Concurred by: Betsy Adams, Parks & Community Services Director

RESOLUTION NO. CSD 2015-02

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE RESULTS OF AN ELECTION AND ADDING PROPERTY TO COMMUNITY FACILITIES DISTRICT NO. 1 (PARK MAINTENANCE) FOR ANNEXATION NO. 2015-33

WHEREAS, the Board of Directors of the Moreno Valley Community Services District of the City of Moreno Valley, California ("Board of Directors"), previously formed a Community Facilities District pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California. The existing Community Facilities District is designated as Community Facilities District No. 1 ("District"); and

WHEREAS, the legislative body has established a procedure to allow and provide for future annexations to the District and the territory proposed to be so annexed in the future was designated as Community Facilities District No. 1, Future Annexation Area; and

WHEREAS, at this time the unanimous consent to the annexation of certain territory to the District has been received from the property owner of such territory, and such territory has been designated as Annexation No. 2015-33 ("Annexed Area"); and

WHEREAS, less than twelve (12) registered voters have resided within the territory of Annexed Area for each of the ninety (90) days preceding November 25, 2014, therefore, pursuant to the Act the qualified electors of the Annexed Area shall be the "landowners" of such Annexed Area as such term is defined in Government Code Section 53317(f) and each such landowner who is the owner of record as of December 15, 2014, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that she or he owns within such Annexed Area; and

WHEREAS, the time limit specified by the Act for conducting an election to submit the levy of the special taxes on the property within the Annexed Area to the qualified electors of the Annexed Area and the requirements for impartial analysis and ballot arguments have been waived with the unanimous consent of the qualified electors of the Annexed Area; and

WHEREAS, the Secretary of the Board of Directors has caused a ballot to be distributed to the qualified elector of the Annexed Area, has received and canvassed such ballot and made a report to this Board of Directors regarding the results of such canvass, a copy of which is attached as Exhibit A hereto and incorporated herein by this reference; and

Resolution No. CSD 2015-02 Date Adopted: January 27, 2015 WHEREAS, at this time the measure has been voted upon and such measure did receive unanimous vote of the qualified elector, and this Board of Directors desires to declare the results of the election; and

WHEREAS, a map showing the Annexed Area and designated as Annexation Map No. 2015-33 ("Annexation Map"), a copy of which is attached as Exhibit B hereto and incorporated herein by this reference, has been submitted to this legislative body.

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

SECTION 1. Recitals. The above recitals are all true and correct.

SECTION 2. <u>Findings.</u> This legislative body does hereby further determine as follows:

- A. Less than twelve (12) registered voters have resided within the territory of Annexed Area for each of the ninety (90) days preceding November 25, 2014, therefore, pursuant to the Act the qualified electors of the Annexed Area are to be the "landowner" of such Annexed Area as such term is defined in Government Code Section 53317(f).
- B. The unanimous consent to shorten the timeframe to conduct the annexation to the District and such consent shall be kept on file in the Office of the Secretary of the Board of Directors.
- C. The qualified elector of the Annexed Area has unanimously voted in favor of the levy of special taxes within the Annexed Area upon its annexation to the District.

SECTION 3. <u>Annexed Area.</u> The boundaries and parcels of territory within the Annexed Area and on which special taxes will be levied in order to pay for the costs and expenses of authorized public services are shown on the Annexation Map as submitted to and hereby approved by this legislative body.

SECTION 4. <u>Declaration of Annexation.</u> This legislative body does hereby determine and declare that the Annexed Area is now added to and becomes a part of the District and is hereby empowered to levy the authorized special tax within the Annexed Area.

SECTION 5. <u>Notice.</u> Immediately upon adoption of this Resolution, notice shall be given as follows:

A. A copy of the Annexation Map as approved shall be filed in the Office of the County Recorder no later than fifteen (15) days after the date of adoption of this Resolution.

Resolution No. CSD 2015-02 Date Adopted: January 27, 2015 B. An Amendment to the Notice of Special Tax Lien (Notice of Annexation) shall be recorded in the Office of the County Recorder no later than fifteen (15) days after the date of adoption of this Resolution.

SECTION 6. <u>Effective Date.</u> This Resolution shall become effective upon its adoption.

APPROVED AND ADOPTED this 27th day of January, 2015.

Mayor of the City of Moreno Valley, Acting in the capacity of President of the Moreno Valley Community Services District

ATTEST:

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

APPROVED AS TO FORM:

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

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, Jane Halstead, Secretary of the Moreno Valley Community Services District, Moreno Valley, California do hereby certify that Resolution No. CSD 2015-02 was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the 27th day of January, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

Resolution No. CSD 2015-02 Date Adopted: January 27, 2015

EXHIBIT A

Certificate of Election Official and Statement of Votes Cast for Community Facilities District Annexation No. 2015-33

CERTIFICATE OF ELECTION OFFICIAL AND STATEMENT OF VOTES CAST

COUNTY OF RIVERSIDE) ss. CITY OF MORENO VALLEY)	
The undersigned, Election Official of the Moreno Valley Community Services District of the C of Moreno Valley, County of Riverside, State of California, Does Hereby Certify that pursua to the provisions of Section 53326 of the Government Code and Division 12, commencing with Section 17000 of the Elections Code of the State of California, on December 16, 2014, I c canvass the votes cast for the	ant ith

ANNEXATION NO. 2015-33 TO COMMUNITY FACILITIES DISTRICT NO. 1 OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY

SPECIAL ELECTION

I FURTHER CERTIFY that this Statement of Votes Cast shows the whole number of votes cast in the area proposed to be annexed to Community Facilities District No. 1 for or against the Measure are full, true and correct.

VOTES CAST ON PROPOSITION 1:

YES

O

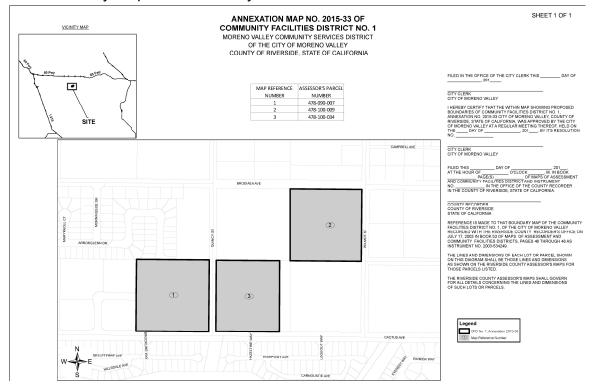
O

WITNESS my hand this 16th day of December, 2014.

STATE OF CALIFORNIA

SECRETARY OF THE BOARD OF DIRECTORS
ELECTION OFFICIAL
MORENO VALLEY COMMUNITY SERVICES DISTRICT OF
THE CITY OF MORENO VALLEY
STATE OF CALIFORNIA

EXHIBIT BBoundary Map for Community Facilities District Annexation No. 2015-33



SHEET 1 OF 1

OF MAPS OF ASSESSMENT

ANNEXATION MAP NO. 2015-33 OF COMMUNITY FACILITIES DISTRICT NO. 1

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

MAP REFERENCE	ASSESSOR'S PARCEL
NUMBER	NUMBER
1	478-090-007
2	478-100-009
3	478-100-034
3	476-100-034



FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF CITY CLERK CITY OF MORENO VALLEY I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1, ANNEXATION NO. 2015-33 CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY OF MORENO VALLEY AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF ______, 201_____. BY ITS RESOLUTION CITY CLERK CITY OF MORENO VALLEY FILED THIS ______ DAY OF _______, 201___, AT THE HOUR OF ______ O'CLOCK _____, M. IN BOOK

COUNTY RECORDER COUNTY OF RIVERSIDE STATE OF CALIFORNIA

PAGE(S)

AND COMMUNITY FACILITIES DISTRICT AND INSTRUMENT

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 1, OF THE CITY OF MORENO VALLEY RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON JULY 17, 2003 IN BOOK 53 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGES 46 THROUGH 48 AS INSTRUMENT NO. 2003-534249.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

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

Legend CFD No. 1, Annexation 2015-33 1 Map Reference Number

255

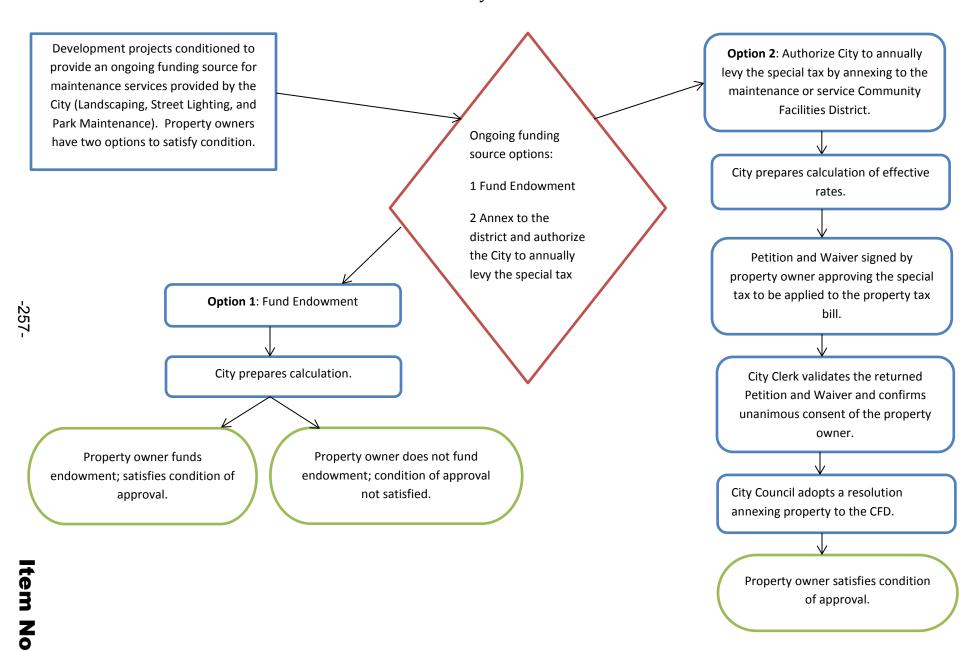
VICINITY MAP

60 Fwy

60 EMY

SITE

Process Flow for Property Owners/Developers to Satisfy Funding Requirement for Existing Maintenance or Service Community Facilities Districts



process flow is simplified for illustration purposes. Contact the Special Districts Division at 951.413.3480 for the detailed process. The developer has the option to the maintenance through a home owners association for Community Facilities District No. 2014-01 (Maintenance Services).

November 18, 2014

MINUTES - SPECIAL CEREMONIAL MEETING OF JANUARY 6, 2015 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM <u>A.2</u>

MINUTES - SPECIAL MEETING OF JANUARY 6, 2015 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM <u>A.3</u>

MINUTES - SPECIAL MEETING OF JANUARY 6, 2015 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM <u>A.3</u>

SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA) October 28, 2014

CALL TO ORDER

The Special Meeting of Moreno Valley Public Financing Authority (MVPFA) was called to order at 7:56 p.m. by Chairperson Jesse L. Molina in the Council Chamber located at 14177 Frederick Street.

ROLL CALL

Council:

Jesse L. Molina Chairperson
Victoria Baca Vice Chairperson
George E. Price Board Member

Absent:

Richard A. Stewart Board Member

Staff:

Michelle Dawson City Manager Suzanne Bryant City Attorney Jane Halstead City Clerk

Tom DeSantis Assistant City Manager Ahmad Ansari Public Works Director

Joel Ontiveros Police Chief Abdul Ahmad Fire Chief

Chris Paxton Administrative Services Director
Richard Teichert Chief Financial Officer/City Treasurer

John Terell Community and Economic Development Director

Ewa Lopez Deputy City Clerk

SPECIAL ORDER OF BUSINESS

G. REPORTS

G.1 ADOPTION OF RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY, AUTHORIZING THE ISSUANCE AND SALE OF LEASE REVENUE REFUNDING BONDS TO REFUND CERTAIN OUTSTANDING BONDS; APPROVING THE FORMS OF A FIRST SUPPLEMENT TO MASTER TRUST AGREEMENT, A FIRST AMENDMENT TO MASTER FACILITIES LEASE, A FIRST AMENDMENT TO MASTER FACILITIES SUBLEASE AND A BOND PURCHASE AGREEMENT; APPROVING AN OFFICIAL STATEMENT

DESCRIBING SAID BONDS; AND AUTHORIZING EXECUTION OF DOCUMENTS AND THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE ISSUANCE OF THE BONDS

(Report of: Financial & Management Services Department)

Recommendations That the City Council:

That the Mayor and City Council, acting in their respective capacities as the President and Board Members of the Moreno Valley Public Financing Authority, adopt Resolution No. MVPFA 2014-01. A Resolution of the Board of Directors of the Moreno Valley Public Financing Authority, Authorizing the Issuance and Sale of Lease Revenue Refunding Bonds to Refund Certain Outstanding Bonds; Approving the Forms of a First Supplement to Master Trust Agreement, a First Amendment to Master Facilities Lease, a First Amendment to Master Facilities Sublease and a Bond Purchase Agreement; Approving an Official Statement Describing Said Bonds; and Authorizing Execution of Documents and the Taking of All Necessary Actions Relating to the Issuance of the Bonds.

Chairperson Jesse L. Molina opened the agenda item for public comments, which were received from Deanna Reeder, Roy Bleckert, Pete Bleckert, Takiya Moore, and Louise Palomarez.

That the Mayor and City Council, acting in their respective capacities as the Chairperson and Board Members of the Moreno Valley Public Financing Authority, adopt Resolution No. MVPFA 2014-01. A Resolution of the Board of Directors of the Moreno Valley Public Financing Authority, Authorizing the Issuance and Sale of Lease Revenue Refunding Bonds to Refund Certain Outstanding Bonds; Approving the Forms of a First Supplement to Master Trust Agreement, a First Amendment to Master Facilities Lease, a First Amendment to Master Facilities Sublease and a Bond Purchase Agreement; Approving an Official Statement Describing Said Bonds; and Authorizing Execution of Documents and the Taking of All Necessary Actions Relating to the Issuance of the Bonds. by m/Board Member George Price, s/Vice Chairperson Victoria Baca

Passed by a vote of 3-0-1, Board Member Richard A. Stewart absent.

ADJOURNED	THE	MORENO	VALLEY	PUBLIC	FINANCING	AUTHORITY
(MVPFA) SPE	CIAL N	MEETING T	O THE CIT	TY OF MO	RENO VALLE	Y REGULAR
MEETING AT 8	3:20 P.	Μ.				

Submitted by:
Jane Halstead, City Clerk, CMC Secretary, Moreno Valley Public Financing Authority
Approved by:
Jesse L. Molina Chairperson, Moreno Valley Public Financing Authority



APPROVALS	
BUDGET OFFICER	H
CITY ATTORNEY	R
CITY MANAGER	H

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Chief Financial Officer

AGENDA DATE: January 27, 2015

TITLE: PUBLIC HEARING FOR THE FUTURE ANNEXATION OF

TERRITORY TO CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) AND TO AMEND AND RESTATE THE RATE AND METHOD OF APPORTIONMENT FOR THE DISTRICT TO DESIGNATE TAX RATE AREAS NO. LM-02 AND SL-02 AND REVISE THE RATE

STRUCTURE FOR TAX RATE AREA NO. LM-01

RECOMMENDED ACTION

Recommendations: That the City Council:

- Conduct the Public Hearing regarding the proposed future annexation of territory to City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) as shown on Annexation Map No. 2 to that District.
- Introduce Ordinance No. 889. An Ordinance of the City Council of the City of Moreno Valley, California, Providing for Future Annexation of Territory to City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and to Amend and Restate the Rate and Method of Apportionment for the District to Designate Tax Rate Areas No. LM-02 and SL-02 and Revise the Rate Structure for Tax Rate Area No. LM-01.

<u>SUMMARY</u>

This item requests that the Mayor and Council take two actions as stated above regarding Community Facilities District No. 2014-01 (Maintenance Services) ("District" or "CFD"). The proposed actions only affect the future developers and property owners and do not affect current residents of the City.

The District was established to fund the costs of new street lighting and landscaping services for single family residential developments to avoid impacting the City's General Fund. The CFD was also designed to address the impacts of commercial, industrial, and multifamily development through future amendments. The proposed second amendment of the CFD allows commercial, industrial, and multifamily development projects the opportunity to use the CFD. In addition, the amendment expands the tax rate areas for single family residential projects to easily accommodate future projects. The following amendments are proposed to the rate and method of apportionment of special tax:

- Adding two new Tax Rate Areas, LM-02 (item 4 on page 5 of Attachment 3) for landscape maintenance and SL-02 (item 2 on page 5 of Attachment 3) for operation of street lighting. Both new tax rate areas are for commercial, industrial, multifamily and other non-residential development; and
- 2) Adding an expanded tax rate table (item 3 on page 5 of Attachment 3) for Tax Rate Area No. LM-01 for single family residential landscaping. This tax rate table accommodates future development by providing various Maximum Special Tax Rates based on the size of the development's landscaping and number of homes funding the ongoing maintenance.

Designating the boundaries for future annexation of territory into the CFD will enable developments to annex into the CFD in a more timely manner. The Second Amended and Restated Rate and Method of Apportionment increases flexibility when assisting the development community in satisfying their conditions of approval.

Because changes to the rate and method of apportionment are proposed, it is necessary to re-designate the future annexation area boundary, which will encompass all territory of the City (City boundaries). The proposed amendment <u>will not</u> increase the Maximum Special Tax Rate for properties already in the District.

DISCUSSION

District Formation

The City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) ("CFD" or "District") was formed by adoption of Resolution No. 2014-25 to provide an alternative financing tool for the development community. Residential Tract 31618 (located on the southwest corner of Moreno Beach Drive and Bay Avenue) was the development used to establish the CFD. Habitat for Humanity, Inc., the property owner of Assessor's Parcel Numbers 481-250-002 and 481-250-003 (located on the south side of Myers Avenue west of Indian Street) has annexed into the District for standard residential street lighting.

First Amendment to the RMA

By its Ordinance No. 882, the City Council designated the entire territory of the City a future annexation area for the District. The future annexation area boundary was defined as the area subject to the first amended and restated rate and method of

apportionment of special tax ("RMA"). The first amendment to the RMA reassigned the original Tax Rate Area No. 1 in the District into two separate tax rate areas: LM-01 for maintenance of public landscaping and SL-01 for operation of standard street lighting for single family residential developments. The separation of the special tax rate for each of the services provided allows the development community flexibility when satisfying its conditions of approval.

Proposed Second Amendment to the RMA

The second amendment to the RMA (Attachment 3) proposes to: 1) add two new Tax Rate Areas (LM-02 and SL-02) to fund landscape maintenance and operation of street lighting for developments other than single family residential (e.g. commercial, industrial, and multifamily) and, 2) expand the tax rate table for Tax Rate Area No. LM-01 (single family residential landscaping). Expanding the tax rate table provides different Maximum Special Tax Rates based on the size of the development's landscaping and number of homes funding the ongoing maintenance. It ensures that property owners are not paying more than their proportionate share of the services they are being provided. The proposed amendment will not increase the Maximum Special Tax Rate for properties already in the District.

Similar to the process conducted to approve the first amendment to the RMA, the future annexation area boundary needs to be re-established to define the area that will be subject to the second amendment to the RMA. The proposed future annexation area is the same as the boundaries of the City. While the future annexation area boundaries establish which parcels are in the District, the property owners of a given development must unanimously approve the annexation to the District and approve the Maximum Special Tax prior to any special tax being levied against their property.

Resolution Declaring Intention

On December 9, 2014, the City Council adopted the Resolution of Intention (Resolution No. 2014-100) to initiate proceedings to establish the future annexation area and to amend and restate the Rate and Method of Apportionment. The Resolution set January 27, 2015 as the date for the required public hearing. After conducting the public hearing, the Council can consider adoption of the ordinance, provided there is not a majority protest from the public opposing the designation of the future annexation area.

ALTERNATIVES

1. Conduct the public hearing and adopt the ordinance to provide for the future annexation of territory to the District and to amend and restate the Rate and Method of Apportionment to designate Tax Rate Areas No. LM-02 and SL-02 and expand the tax rate table in Tax Rate Area No. LM-01. Designating the boundaries for future annexation of territory into the CFD will enable developments to annex into the CFD in a more timely manner. The Second Amended and Restated Rate and Method of Apportionment increases flexibility when assisting the development community in satisfying their conditions of approval.

- 2. Conduct the public hearing but do not adopt the ordinance to provide for the future annexation of territory to the District and to amend and restate the Rate and Method of Apportionment to designate Tax Rate Areas No. LM-02 and SL-02 and expand the tax rate table in Tax Rate Area No. LM-01. Not establishing the future annexation boundaries of the CFD will limit the ability of the development community to take advantage of the CFD financing mechanism in a manner consistent with their development schedule. In addition, not approving the Second Amended and Restated Rate and Method of Apportionment will limit flexibility in providing funding alternatives for the development community.
- 3. Open or fully conduct the public hearing and continue the item to a future Council meeting. This alternative may delay the development of certain projects or prevent the development community from utilizing CFD No. 2014-01 to satisfy their conditions of approval.

FISCAL IMPACT

Third party costs associated with the second amendment to the Rate and Method of Apportionment are projected to not exceed \$12,400. Third party services include a special tax consultant, special legal counsel, legal noticing publication, recording costs, and other related expenses. These costs will be absorbed within the Special Districts Administrative Fund 2006-30-79-25701.

The proposed second amended and restated RMA has four separate Tax Rate Areas, some of which have multiple categories in the Tax Rate Area. The Maximum Special Tax for each Tax Rate Area has been calculated to achieve full cost recovery of the services to be provided. The Maximum Special Tax for each Tax Rate Area is subject to an annual inflation adjustment based on the change in the Consumer Price Index ("CPI") for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor's Bureau of Labor Statistics or five percent (5%), whichever is greater. Each year, the City Council must review and approve the CPI adjustment prior to the levy onto the property tax bills; the levied amount may not exceed the annual CPI adjustment without approval of the property owners subject to the tax.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness

A maintenance CFD provides developers and property owners with an alternative method to satisfy conditions of approval for providing a funding source for the ongoing maintenance of public landscaping and operation of street lighting within the District.

Revenue Diversification and Preservation

A maintenance and service CFD provides developers and property owners with an opportunity to fund desired City services and secure the provision of those services. The CFD will further stabilize the revenue base for special district services and

programs and is consistent with prudent financial practices.

NOTIFICATION

Newspaper advertising for the proposed January 27, 2015, Public Hearing was published in The Press-Enterprise on Thursday, January 15, 2015 to give any interested person, including persons owning property within the District, the opportunity to appear and present any matters relating to the proposed future annexation area boundaries of the CFD. Publication in the newspaper exceeds the legal requirement to publish 7 days prior to the date of the Public Hearing.

ATTACHMENTS

- 1. Proposed Ordinance
- 2. Recorded Annexation No. 2 Boundary Map (Citywide Future Annexation Area)
- 3. Amended and Restated Rate and Method of Apportionment
- 4. Redline of the Rate and Method of Apportionment
- 5-1. Process Flow Detailing the Procedure to Amend the Rate and Method of Apportionment for the CFD
- 5-2. Process Flow Detailing the Procedure the Property Owner/Developer Follows to Voluntarily Elect to Annex into CFD 2014-01

Prepared by: Jennifer Terry, Management Analyst

Concurred by: Candace E. Cassel, Special Districts Division Manager Department Head Approval: Richard Teichert, Chief Financial Officer

ORDINANCE NO. 889

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, PROVIDING FOR FUTURE ANNEXATION OF TERRITORY TO CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) AND TO AMEND AND RESTATE THE RATE AND METHOD OF APPORTIONMENT FOR THE DISTRICT TO DESIGNATE TAX RATE AREAS NO. LM-02 AND SL-02 AND REVISE THE RATE STRUCTURE FOR TAX RATE AREA NO. LM-01

The City Council of the City of Moreno Valley does ordain as follows: **SECTION 1. FINDINGS:**

- A. The Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.) (the "Act") authorizes the City Council to establish a community facilities district to finance certain services within the district.
- B. Section 53339.7(a) of the Act authorizes the City Council, following a properly noticed public hearing, to provide for the future annexation of territory to a community facilities district. Annexation of the territory for which such provision is made requires unanimous approval of the owner or owners of each parcel or parcels at the time that the parcel or parcels are annexed, but does not require additional public hearing.
- C. By its Resolution No. 2014-25 adopted on March 25, 2014, the City Council established its City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the "CFD").
- D. By its Ordinance No. 874, adopted on April 8, 2014 (the "Special Tax Ordinance"), the City Council levied an annual special tax (the "Special Tax") pursuant to Section 53340 of the Act against all non-exempt parcels of real property within the CFD.
- E. By its Ordinance No. 882, adopted on October 28, 2014 (the "First Future Annexation Ordinance"), the City Council provided for future annexation to the community facilities district of any territory in the City and adopted an amended and restated method of apportionment (the "First Amended and Restated RMA") governing the Special Tax.
- F. The First Amended and Restated RMA provided tax rates for single family residential parcels served by typical street light and landscape improvements.
 - G. The City Council desires to further amend the rate and method of

Ordinance No. 889

Date Adopted: February 10, 2015

apportionment for the Special Tax in order to provide for the equitable apportionment of the tax to annexed territory consisting of parcels that are not developed with single family residences.

- H. The City Council also desires to amend the rate and method of apportionment for the Special Tax in order to provide for the equitable apportionment of the tax with respect to annexed territory where, on a per parcel basis, the cost of providing street lighting and landscape maintenance services will be higher or lower than the cost of providing those services in the existing district.
- I. In order to amend and restate the rate and method of apportionment for the Special Tax, the City Council must redesignate the future annexation area for the CFD. This action will permit property owners, at the discretion of the City Council, to annex their property to the CFD and subject that property to the Special Tax as set forth in the newly amended and restated rate and method of apportionment.
- J. By its Resolution No. 2014-100, adopted on December 9, 2014 (the "Resolution of Intention"), the City Council declared its intention to provide for future annexation of territory to the CFD and to adopt a further amended and restated rate and method of apportionment (the "Second Amended RMA") for the Special Tax.
- K. The proposed future annexation area, which constitutes the entire territory of the City aside from the territory currently constituting the CFD, is shown on the map titled "Annexation Map No. 2 of Community Facilities District No. 2014-01 (Maintenance Services) of City of Moreno Valley, County of Riverside, California (Territory proposed for annexation in the future, with the condition that parcels within that territory may be annexed only with the unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed)" (the "Annexation Map"). The Annexation Map is recorded in Book 77 of Maps of Assessment and Community Facilities Districts at page 78, in the office of the County Recorder for the County of Riverside, State of California and is on file in the Office of the City Clerk, available for public inspection, and incorporated herein by reference.
- L. On January 27, 2015, at 6:00 PM (or as soon thereafter as practical), in the City Council Chamber located at 14177 Frederick Street, Moreno Valley, California 92553, the City Council held a full and fair public hearing (the "Hearing") on the designation of the territory shown on the Annexation Map for annexation to the CFD in the future.
- M. Notice of the Hearing was published pursuant to Section 53339.4 of the Act in the January 15, 2015 edition of The Press-Enterprise.
- N. At the Hearing, the City Council heard oral and written testimony from all those wishing to provide such testimony. There was no majority protest (as defined by Section 53339.3 of the Act) against the proposed addition of territory to the CFD in the future.

2

Ordinance No. 889

Date Adopted: February 10, 2015

O. City Council now desires to provide for the future annexation of territory to the CFD, to amend and restate the rate and method of apportionment for the Special Tax, and to take other related actions.

SECTION 2. PROVISION FOR ANNEXATION IN THE FUTURE:

The City Council hereby provides for the annexation to the CFD of the territory shown on the Annexation Map upon the unanimous approval of the owner or owners of each parcel or parcels at the time that the parcel or parcels are annexed, without additional hearings.

SECTION 3. AMENDMENT AND RESTATEMENT OF RATE AND METHOD OF APPORTIONMENT:

The Rate and Method of Apportionment of the annual Special Tax, as approved by the Special Tax Ordinance, is hereby amended and restated as set forth in the Second Amended and Restated RMA, which is set forth in Exhibit "A" to this Ordinance and is incorporated herein by reference.

The Special Tax will be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes. Notwithstanding the forgoing, any Special Taxes that cannot be collected on the County tax roll, or are not so collected, may be collected through direct billing by the City.

Under no circumstances will the special tax levied in any fiscal year against any parcel be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the CFD by more than 10 percent above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. This tax may not be prepaid.

The Second Amended and Restated RMA represents a restatement of the First Amended and Restated RMA, amended to (i) provide for Tax Rate Area Nos. LM-02 and SL-02 (for services to parcels other than single-family residential parcels) and (ii) revise and expand the tax rate formula applicable for Tax Rate Area No. LM-01 (for landscape maintenance services to single-family residential parcels). The designated future annexation area is designated for annexation as part of all Tax Rate Areas in the CFD; and any annexation action shall specify to which Tax Rate Area(s) the annexed territory will be added.

SECTION 4. USE OF TAX:

In addition to the administrative expenses described in the Second Amended and Restated RMA, proceeds of the Special Tax may be used to fund:

Ordinance No. 889 Date Adopted: February 10. 2015

Item No. E.1

- A. Landscape Maintenance Services: Maintaining, servicing and operating landscape improvements and associated appurtenances located within the public right-of-way and within dedicated landscape easements for the CFD. These improvements may include but are not limited to parkways, medians, open space landscaping, fencing, monuments, ornamental lighting, drainage, turf, ground cover, shrubs, vines and trees, irrigation systems, and appurtenant facilities and structures. Fundable costs may include, but are not limited to: (i) contracting costs for landscape maintenance services, including litter removal, (ii) salaries and benefits of City staff, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) City administrative and overhead costs associated with providing such services within the CFD, and (v) lifecycle costs associated with the repair and replacement of facilities.
- B. Street Lighting Services: Maintaining, servicing and operating street lights and appurtenant improvements. Fundable costs may include, but are not limited to: (i) contracting costs for street light maintenance, (ii) salaries and benefits of City staff, if the City directly provides street light maintenance services, (iii) utility expenses and the expense related to equipment, apparatus, and supplies related to these services and authorized by the Act, (iv) City overhead costs associated with providing such services for the CFD, and (v) lifecycle costs associated with the repair and replacement of facilities.

These services are in addition to those provided in the territory within the CFD prior to the establishment of the CFD and that such Services will not supplant services already available within the territory. Not all of the listed services are provided to every parcel in the CFD. The actual services provided depend on the Tax Rate Area(s) to which the parcel is assigned. The City may, at some future point, add additional services to the CFD. Any such changes will only affect parcels annexed to the CFD after such changes are made.

SECTION 5. ACCOUNTABILITY MEASURES:

The Special Tax will be subject to the following accountability measures:

- A. Proceeds of the Special Tax will be deposited in a special account and used only for the purpose of financing the costs identified in Section 4 of this Ordinance; and
- B. An annual report will be filed by the Special Districts Division of the Financial and Management Services Department of the City at least once a year containing a description of the amount of funds in the Special Account and the status of any costs identified in Section 4 of this Ordinance.

SECTION 6. ADMINISTRATION:

The Special Districts Division of the Financial and Management Services Department, which is located at 14177 Frederick Street, Moreno Valley, California 92553 and can be telephoned at 951.413.3480 will be responsible for annually

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Date Adopted: February 10, 2015

preparing a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

SECTION 7. NOTICE OF SPECIAL TAX LIEN:

The City Council directs that a revised notice of special tax lien be recorded pursuant to Section 3117.5 of the Streets and Highways Code to reflect the adoption of the Restated RMA.

SECTION 8. INTERPRETATION:

The CFD Administrator is authorized to issue such interpretations of this Ordinance as he or she feels is necessary or useful to administer the Special Tax. Any such interpretations may be ratified or disapproved by resolution of the City Council, but shall be treated as official interpretations in the absence of Council action.

SECTION 9. CORRECTION OF ERRORS:

If a Special Tax is calculated or applied in error with respect to a parcel, the CFD Administrator is authorized to modify or correct the Special Tax applied, and to issue a credit or refund as appropriate. The CFD Administrator will respond in writing to any written request from a taxpayer for a modification or correction. Any such written response may be appealed by the taxpayer through the filing of a claim following the normal claims procedures of the City.

SECTION 10. EFFECT ON EXISTING TAX:

The City Council finds that the actions taken by this Ordinance do not increase the rate of the Special Tax applicable to parcels that are already in the CFD above the rate previously approved by the voters.

SECTION 11. SEVERABILITY:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phases hereof be declared invalid or unconstitutional.

SECTION 12. EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

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Date Adopted: February 10. 2015

SECTION 13. NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 14. EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 10th day of February, 2015.

	Mayor
ATTEST:	
City Clerk	
APPROVED AS TO FORM:	
City Attorney	

ORDINANCE JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)
l leas Halatasal Oita	· Clark of the City of Manage Valley California de baraby
i, Jane Haistead, City	Clerk of the City of Moreno Valley, California, do hereby
certify that Ordinance No. 8	89 had its first reading on January 27, 2015 and had its
second reading on February	10, 2015, and was duly and regularly adopted by the City
Council of the City of Morence	Valley at a regular meeting thereof held on the 10 th day of
February, 2015, by the follow	ring vote:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
(Council Members, Ma	ayor Pro Tem and Mayor)
CITY CLERK	
(SEAL)	

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Second Amended and Restated RMA



SECOND AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax for the City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the "CFD") shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

- "Act" means the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq).
- "Administrative Expenses" means the expenses incurred by the City as administrator of the CFD to determine, levy and collect the Special Taxes, including salaries and benefits of City employees whose duties are related to administration of the CFD and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes, preparation of required reports; and any other costs required to administer the CFD as determined by the City.
- "Annexation Group" means a Parcel or group of Parcels that are annexed into the CFD and designated as an Annexation Group by the City Council action ordering annexation. In the event such order does not designate parcels as an Annexation Group, all parcels annexed by the order shall constitute a single Annexation Group.
- "Annual Escalation Factor" means the greater of the increase in the annual percentage change in the Consumer Price Index (CPI) for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor's Bureau of Labor Statistics or five percent (5%). If the CPI for the Los Angeles-Riverside-Orange County area is discontinued, the CFD administrator may replace it with a similar index for the purposes of calculating the Annual Escalation Factor.
- "Assessor's Parcel" or "Parcel" means a lot or parcel shown on the official map of the Riverside County Assessor designating parcels by assessor's parcel number.
- **"Building Permit"** means a permit issued for new construction of a residential or non-residential structure. For purposes of this definition, "Building Permit" shall not include permits issued solely for grading, utility improvements, or other such improvements that are constructed and installed and are not intended for human occupancy.

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Ordinance No. 889

Date Adopted: February 10, 2015



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"CFD Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and administrating the levy and collection of the Special Taxes.

"CFD" means City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services).

"City" means the City of Moreno Valley.

"Fiscal Year" means the period starting July 1 and ending the following June 30.

"Landscaping Area" means the area of landscaping added to the landscaping improvements to be maintained in connection with the CFD and funded by the Special Tax for specified Annexation Group(s).

"Maintenance Ratio" means the ratio derived by:

- (i) taking the square footage of the Landscaping Area associated with an Annexation Group, then
- (ii) dividing the amount from (i) by the number of Taxable Parcel(s) within that Annexation Group. Such amount will be rounded to the nearest whole number.

The Maintenance Ratio represents the number of square feet of landscaping that will be maintained for each taxed parcel.

For example, if an Annexation Group consists of all of the parcels in a new single family residential subdivision consisting of 100 single family residential parcels, and the CFD will fund the maintenance of 15,000 square feet of landscaping in the subdivision, then the Maintenance Ratio for the Annexation Group is 150 (15,000 divided by 100).

"Maximum Special Tax" means the Maximum Special Tax, determined in accordance with Section B below that can be levied in the CFD in any Fiscal Year on any Assessor's Parcel.

"Median" means any landscaped area to be maintained in connection with the CFD that is located between lanes of traffic within the street right-of-way.

"Median-Shared" means any Median that is located in the right-of-way of a street that is bordered on both sides by parcels that are within the CFD (even if such parcels are separated from the right-of-way by a wall, parkway or other improvement).

"Parkway" means any landscaped area, other than a Median, to be maintained in connection with the CFD.



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"Property Owner Association Property" means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder, to a property owner association, including any master or sub-association.

"Proportional Front Foot" means, for a parcel of Taxable Property that is part of an Annexation Group, the result of the following calculation:

- Take the total linear footage adjacent to each street light, Median, or Parkway improvements for all parcels of Taxable Property in that Annexation Group; then,
- (ii) Divide the total linear front footage calculation in step (i) by the total acreage of all Taxable Property in the Annexation Group; then,
- (iii) Multiply the result in step (ii) by the parcel's acreage for which the Proportional Front Foot is being calculated.

This calculation should be done separately with respect to:

- a) Median-Shared improvements
- b) Median improvement other than Median-Shared improvements
- c) Parkway improvements, and/or
- d) Street light improvements

The purpose of this calculation is to determine, based on a parcel's share of the acreage in its Annexation Group, the parcel's "fair share" of the linear footage of improvements maintained in connection with the CFD.

For example: if an Annexation Group consist of 10 acres of Taxable Property and in total 500 linear feet of the frontage of these parcels is adjacent to CFD-Maintained Parkway Improvement, then a 1.5 acre parcel of Taxable Property in that Annexation Group would have 75 Proportional Front Feet of Parkway ((500 / 10) * 1.5).

"Proportionately" means with respect to a Tax Rate Area, the ratio of the actual Special Tax levy to the Maximum Special tax is equal for all Assessor's Parcels within the Tax Rate Area.

"Public Property" means any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency and is used for public purposes.



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"Single-Family Residential" means any Assessors' Parcel within the CFD for which a Building Permit has been, or is intended to be, issued for purposes of constructing a residential structure consisting of one single-family unit.

"Special Tax" means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections B and C, below.

"Special Tax Requirement" means, for each Tax Rate Area separately, the amount required in any Fiscal Year to: (i) pay for the services financed by the CFD; (ii) pay Administrative Expenses; (iii) pay any amounts required to establish or replenish any Reserve Funds; and (iv) pay for anticipated delinquent Special Taxes (not to exceed 10% of total requirement) less any surplus of funds available from the previous Fiscal Year's Special Tax levy.

"State" means the State of California.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of the CFD other than Tax-Exempt Property.

"Tax-Exempt Property" means an Assessor's Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, and (iii) property otherwise exempted by law from the Special Tax.

"Tax Rate Area" means a grouping of parcels that are taxed to fund a specific service. For example, Tax Rate Area No. SL-01 includes all parcels that are taxed for standard residential street lighting services and Tax Rate Area No. LM-01 includes all parcels that are taxed for landscape maintenance services for the public landscaping maintained in connection with Tax Rate Area No. LM-01. Tax Rate Areas may be created from time to time, and each parcel annexed to the CFD shall, at the time it is annexed, be assigned to one or more Tax Rate Area(s) by action of the City Council (with the consent of the property owner or with voter approval).

B. MAXIMUM SPECIAL TAX RATES

Each Tax Rate Area has separate Maximum Special Taxes for Taxable Property. On each July 1 following its indicated "base year", the Maximum Special Tax for Taxable Property for a Tax Rate Area shall be increased in accordance with the Annual Escalation Factor. No Special Tax shall be levied on Tax-Exempt Property.

1. Tax Rate Area No. SL-01 (Single-Family Residential Street Lighting)

The Maximum Special Tax for Taxable Property in Tax Rate Area No. SL-01 will be \$197.39 per Single-Family Residential Parcel.



The base year for Tax Rate Area No. SL-01 is Fiscal Year 2014/15.

2. Tax Rate Area No. SL-02 (Street Lighting for Property Other than Single-Family Residential)

The Maximum Special Tax for Taxable Property in Tax Rate Area No. SL-02 will be \$3.25 per Proportional Front Foot.

The base year for Tax Rate Area No. SL-02 is Fiscal Year 2014/15.

3. Tax Rate Area No. LM-01 (Single-Family Residential Landscaping)

The Maximum Special Tax for Taxable Property in Tax Rate Area No. LM-01 will be as follows:

Maintenance Category	Maintenance Ratio	Rate per Single-Family Residential Parcel
LM-01A	Less than or equal to 20 square feet per Single-Family Residential Parcel	\$14.19
LM-01B	21 - 40 square feet per Single-Family Residential Parcel	\$42.58
LM-01C	41 - 70 square feet per Single-Family Residential Parcel	\$78.06
LM-01D	71 - 110 square feet per Single-Family Residential Parcel	\$127.73
LM-01E	111 - 160 square feet per Single-Family Residential Parcel	\$191.60
LM-01F	161 - 220 square feet per Single-Family Residential Parcel	\$269.66
LM-01G	221 - 290 square feet per Single-Family Residential Parcel	\$361.91
LM-01H	291 - 370 square feet per Single-Family Residential Parcel	\$468.36
LM-01I	371 - 460 square feet per Single-Family Residential Parcel	\$589.00
LM-01J	461 - 560 square feet per Single-Family Residential Parcel	\$723.83
LM-01K	561 - 670 square feet per Single-Family Residential Parcel	\$872.85
LM-01L	671 - 790 square feet per Single-Family Residential Parcel	\$1,036.07
LM-01M	791 - 920 square feet per Single-Family Residential Parcel	\$1,213.48
LM-01N	921 – 1,060 square feet per Single-Family Residential Parcel	\$1,405.08
LM-010	1,061 – 1,210 square feet per Single-Family Residential Parcel	\$1,610.87
LM-01P	1,211 – 1,370 square feet per Single-Family Residential Parcel	\$1,830.86
LM-01Q	1,371 – 1,540 square feet per Single-Family Residential Parcel	\$2,065.04
LM-01R	1,541 – 1,720 square feet per Single-Family Residential Parcel	\$2,313.41
LM-01S	1,721 – 1,910 square feet per Single-Family Residential Parcel	\$2,575.98
LM-01T	1,911 – 2,110 square feet per Single-Family Residential Parcel	\$2,852.73

The base year for Tax Rate Area No. LM-01 is Fiscal Year 2014/15.

4. Tax Rate Area No. LM-02 (Landscaping for Property Other than Single-Family Residential)



The Maximum Special Tax for Taxable Property in Tax Rate Area No. LM-02 will be as follows:

Maintenance Category	Maintenance Description	Rate per Proportional Front Foot
LM-02A	Median(s) (other than Medians- Shared)	\$10.94
LM-02B	Median(s)-Shared	\$5.47
LM-02C	Parkway(s)	\$13.48

In the event the Proportional Front Footage for a single Annexation Group contains multiple Maintenance Categories, the Maximum Special Tax for Taxable Property in the Annexation Group will be the sum of the Special Taxes for each applicable Maintenance Category. For example if a parcel has 75 Proportional Front Feet of Parkway (see the example given as part of the definition of "Proportional Front Foot") and 50 Proportional Front Feet of Medians that are not Medians-Shared, that parcel's Maximum Special Tax will be \$1,558 (75 x \$13.48)+(50 x \$10.94).

If, as a result of an annexation, improvements (or portions of improvements) that had been classified in prior fiscal years as "Median" become "Median-Shared" improvements, the proportional front feet associated with those improvements (or portions of improvements) shall be taxed at the LM-02B rate rather than the LM-02A rate.

The base year for Tax Rate Area No. LM-02 is Fiscal Year 2014/15.

C. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

For each Fiscal Year, the CFD Administrator shall, separately within each Tax Rate Area, levy the Special Tax Proportionately on each Assessor's Parcel, whether Developed or Undeveloped, within that Tax Rate Area at up to 100% of the applicable Maximum Special Tax until the amount levied is equal to the Special Tax Requirement assigned to that Tax Rate Area in that Fiscal Year.

D. APPEALS

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the Fiscal Year the error is believed to have occurred. The CFD Administrator or its designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable, a refund shall be granted.

Date Adopted: February 10. 2015

Item No. E.1



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The City Council may interpret this Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the Special Tax and any landowner appeals. Any decision of the City Council shall be final and binding as to all persons.

E. MANNER OF COLLECTION

The Special Tax as levied pursuant to Section D above and shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; however, the CFD Administrator may directly bill the Special Tax or collect Special Taxes at a different time, if necessary, to meet the financial obligations of the CFD as otherwise determined appropriate by the CFD Administrator.

The Special Tax shall be subject to the same penalties, procedure, sale, and lien priority in any case of delinquency as applicable for ad valorem taxes.

F. PREPAYMENT OF SPECIAL TAX OBLIGATION

The Special Tax may not be prepaid.

G. TERM OF SPECIAL TAX

Taxable Property in the CFD shall remain subject to the Special Tax in perpetuity or until the City Council takes appropriate actions to terminate the Special Tax pursuant to the Act.

H. ANNEXATIONS

It is intended that territory will, from time to time, be annexed to the CFD. Such territory will be assigned to new Tax Rate Areas, existing Tax Rate Areas, or a combination of new and existing Tax Rate Areas. In the event annexed territory is assigned to an existing Tax Rate Area, services (of a nature similar to those already provided in connection with the Tax Rate Area) will be provided to the annexed territory (or public improvements associated with the annexed territory).

I. RESTATEMENT

This document has been amended and restated from its original form. The purpose of restatements is to maintain the clarity of this document over time; to allow the document to be relevant to both existing and newly annexed parcels; and to aid in the efficient administration of the CFD. Amendments, except where approved by the relevant property owners, are not intended to increase the Maximum Special Tax Rate(s) applicable to parcels already a part of the CFD at the time of the amendment. To the extent an amendment inadvertently increases the Maximum Special Tax Rate(s) applicable to a Parcel, the Maximum Special Tax Rate(s) (adjusted by any associated



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Annual Escalation Factor) consented to by the owners of that Parcel at the time the Parcel was annexed to the CFD (or the voter-approved Maximum Special Tax Rate(s)) shall apply to that Parcel.

For purposes of the preceding paragraph, with respect to actions that occurred before a Parcel (the "Current Parcel") existed, the owners of the Current Parcel shall be understood to mean the owners of the Parcel that included the territory of the Current Parcel at the time the action occurred.

J. FORMER TAX RATE AREA NO. 1

Note that, beginning with the first amended and restated version of this document, the Tax Rate Area that was designated Tax Rate Area No. 1 in previous versions of this document has been redesignated as Tax Rate Area Nos. LM-01 and SL-01 (the "Successor Areas"). The combined Maximum Special Tax Rates in connection with the Successor Areas with respect to each Assessor's Parcel in former Tax Rate Area No. 1 is equal to the Maximum Special Tax Rate for former Tax Rate Area No. 1 and, together, the Successor Areas fund all services funded by the former Tax Rate Area No. 1. This change was made for administrative convenience and is not intended to increase the tax on the parcels included in former Tax Rate Area No. 1.

K. REVISION TO RATE TABLE FOR TAX RATE AREA NO. LM-01

Note that, beginning with the second amended and restated version of this document, an expanded tax rate table was created for Tax Rate Area No. LM-01. This tax rate table was designed to provide appropriate Maximum Tax Rates for parcels with different Maintenance Ratios.

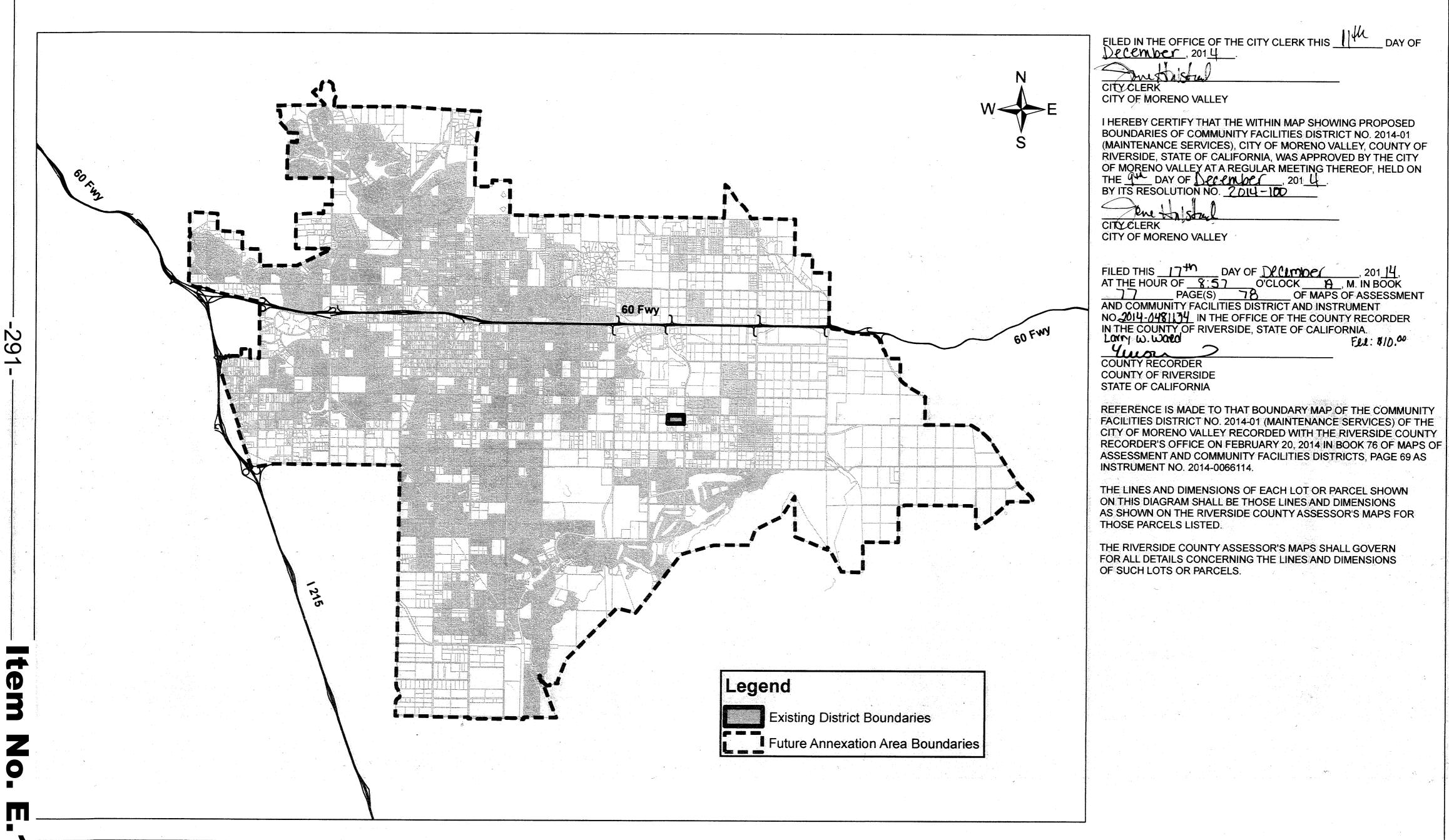
All Taxable Parcels in Tax Rate Area No. LM-01 prior to this amendment were subject to a Base Year 2014/15 Maximum Special Tax of \$468.36 and are part of an Annexation Group with a Maintenance Ratio of 291 - 370 square feet per Single-Family Residential Parcel. This amendment does not change the maximum special tax rate for parcels already in the District. This change is not intended to increase the tax on the parcels included in Tax Rate Area No. LM-01 prior to the amendment.

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SHEET 1 OF 1

Annexation Map No. 2 of Community Facilities District No. 2014-01 (Maintenance Services) of City of Moreno Valley, County of Riverside, California

(Territory proposed for annexation in the future, with the condition that parcels within that territory may be annexed only with the unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed)



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SECOND AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax for the City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the "CFD") shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

- "Act" means the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq).
- "Administrative Expenses" means the expenses incurred by the City as administrator of the CFD to determine, levy and collect the Special Taxes, including salaries and benefits of City employees whose duties are related to administration of the CFD and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes, preparation of required reports; and any other costs required to administer the CFD as determined by the City.
- "Annexation Group" means a Parcel or group of Parcels that are annexed into the CFD and designated as an Annexation Group by the City Council action ordering annexation. In the event such order does not designate parcels as an Annexation Group, all parcels annexed by the order shall constitute a single Annexation Group.
- "Annual Escalation Factor" means the greater of the increase in the annual percentage change in the Consumer Price Index (CPI) for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor's Bureau of Labor Statistics or five percent (5%). If the CPI for the Los Angeles-Riverside-Orange County area is discontinued, the CFD administrator may replace it with a similar index for the purposes of calculating the Annual Escalation Factor.
- "Assessor's Parcel" or "Parcel" means a lot or parcel shown on the official map of the Riverside County Assessor designating parcels by assessor's parcel number.
- "Building Permit" means a permit issued for new construction of a residential or non-residential structure. For purposes of this definition, "Building Permit" shall not include permits issued solely for grading, utility improvements, or other such improvements that are constructed and installed and are not intended for human occupancy.



Page 2 of 8

"CFD Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and administrating the levy and collection of the Special Taxes.

"CFD" means City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services).

"City" means the City of Moreno Valley.

"Fiscal Year" means the period starting July 1 and ending the following June 30.

"Landscaping Area" means the area of landscaping added to the landscaping improvements to be maintained in connection with the CFD and funded by the Special Tax for specified Annexation Group(s).

"Maintenance Ratio" means the ratio derived by:

- (i) taking the square footage of the Landscaping Area associated with an Annexation Group, then
- (ii) dividing the amount from (i) by the number of Taxable Parcel(s) within that Annexation Group. Such amount will be rounded to the nearest whole number.

The Maintenance Ratio represents the number of square feet of landscaping that will be maintained for each taxed parcel.

For example, if an Annexation Group consists of all of the parcels in a new single family residential subdivision consisting of 100 single family residential parcels, and the CFD will fund the maintenance of 15,000 square feet of landscaping in the subdivision, then the Maintenance Ratio for the Annexation Group is 150 (15,000 divided by 100).

"Maximum Special Tax" means the Maximum Special Tax, determined in accordance with Section B below that can be levied in the CFD in any Fiscal Year on any Assessor's Parcel.

"Median" means any landscaped area to be maintained in connection with the CFD that is located between lanes of traffic within the street right-of-way.

"Median-Shared" means any Median that is located in the right-of-way of a street that is bordered on both sides by parcels that are within the CFD (even if such parcels are separated from the right-of-way by a wall, parkway or other improvement).

"Parkway" means any landscaped area, other than a Median, to be maintained in connection with the CFD.



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"Property Owner Association Property" means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder, to a property owner association, including any master or sub-association.

"Proportional Front Foot" means, for a parcel of Taxable Property that is part of an Annexation Group, the result of the following calculation:

- (i) Take the total linear footage adjacent to each street light, Median, or Parkway improvements for all parcels of Taxable Property in that Annexation Group; then,
- (ii) Divide the total linear front footage calculation in step (i) by the total acreage of all Taxable Property in the Annexation Group; then,
- (iii) Multiply the result in step (ii) by the parcel's acreage for which the Proportional Front Foot is being calculated.

This calculation should be done separately with respect to:

- a) Median-Shared improvements
- b) Median improvement other than Median-Shared improvements
- c) Parkway improvements, and/or
- d) Street light improvements

The purpose of this calculation is to determine, based on a parcel's share of the acreage in its Annexation Group, the parcel's "fair share" of the linear footage of improvements maintained in connection with the CFD.

For example: if an Annexation Group consist of 10 acres of Taxable Property and in total 500 linear feet of the frontage of these parcels is adjacent to CFD-Maintained Parkway Improvement, then a 1.5 acre parcel of Taxable Property in that Annexation Group would have 75 Proportional Front Feet of Parkway ((500 / 10) * 1.5).

"Proportionately" means with respect to a Tax Rate Area, the ratio of the actual Special Tax levy to the Maximum Special tax is equal for all Assessor's Parcels within the Tax Rate Area.

"Public Property" means any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency and is used for public purposes.



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"Single-Family Residential" means any Assessors' Parcel within the CFD for which a Building Permit has been, or is intended to be, issued for purposes of constructing a residential structure consisting of one single-family unit.

"Special Tax" means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections B and C, below.

"Special Tax Requirement" means, for each Tax Rate Area separately, the amount required in any Fiscal Year to: (i) pay for the services financed by the CFD; (ii) pay Administrative Expenses; (iii) pay any amounts required to establish or replenish any Reserve Funds; and (iv) pay for anticipated delinquent Special Taxes (not to exceed 10% of total requirement) less any surplus of funds available from the previous Fiscal Year's Special Tax levy.

"State" means the State of California.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of the CFD other than Tax-Exempt Property.

"Tax-Exempt Property" means an Assessor's Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, and (iii) property otherwise exempted by law from the Special Tax.

"Tax Rate Area" means a grouping of parcels that are taxed to fund a specific service. For example, Tax Rate Area No. SL-01 includes all parcels that are taxed for standard residential street lighting services and Tax Rate Area No. LM-01 includes all parcels that are taxed for landscape maintenance services for the public landscaping maintained in connection with Tax Rate Area No. LM-01. Tax Rate Areas may be created from time to time, and each parcel annexed to the CFD shall, at the time it is annexed, be assigned to one or more Tax Rate Area(s) by action of the City Council (with the consent of the property owner or with voter approval).

B. MAXIMUM SPECIAL TAX RATES

Each Tax Rate Area has separate Maximum Special Taxes for Taxable Property. On each July 1 following its indicated "base year", the Maximum Special Tax for Taxable Property for a Tax Rate Area shall be increased in accordance with the Annual Escalation Factor. No Special Tax shall be levied on Tax-Exempt Property.

1. Tax Rate Area No. SL-01 (Single-Family Residential Street Lighting)

The Maximum Special Tax for Taxable Property in Tax Rate Area No. SL-01 will be \$197.39 per Single-Family Residential Parcel.

The base year for Tax Rate Area No. SL-01 is Fiscal Year 2014/15.

2. Tax Rate Area No. SL-02 (Street Lighting for Property Other than Single-Family Residential)

The Maximum Special Tax for Taxable Property in Tax Rate Area No. SL-02 will be \$3.25 per Proportional Front Foot.

The base year for Tax Rate Area No. SL-02 is Fiscal Year 2014/15.

3. Tax Rate Area No. LM-01 (Single-Family Residential Landscaping)

The Maximum Special Tax for Taxable Property in Tax Rate Area No. LM-01 will be as follows:

Maintenance Category	Maintenance Ratio	Rate per Single-Family Residential Parcel
LM-01A	Less than or equal to 20 square feet per Single-Family Residential Parcel	\$14.19
LM-01B	21 - 40 square feet per Single-Family Residential Parcel	\$42.58
LM-01C	41 - 70 square feet per Single-Family Residential Parcel	\$78.06
LM-01D	71 - 110 square feet per Single-Family Residential Parcel	\$127.73
LM-01E	111 - 160 square feet per Single-Family Residential Parcel	\$191.60
LM-01F	161 - 220 square feet per Single-Family Residential Parcel	\$269.66
LM-01G	221 - 290 square feet per Single-Family Residential Parcel	\$361.91
LM-01H	291 - 370 square feet per Single-Family Residential Parcel	\$468.36
LM-011	371 - 460 square feet per Single-Family Residential Parcel	\$589.00
LM-01J	461 - 560 square feet per Single-Family Residential Parcel	\$723.83
LM-01K	561 - 670 square feet per Single-Family Residential Parcel	\$872.85
LM-01L	671 - 790 square feet per Single-Family Residential Parcel	\$1,036.07
LM-01M	791 - 920 square feet per Single-Family Residential Parcel	\$1,213.48
LM-01N	921 – 1,060 square feet per Single-Family Residential Parcel	\$1,405.08
LM-01O	1,061 – 1,210 square feet per Single-Family Residential Parcel	\$1,610.87
LM-01P	1,211 – 1,370 square feet per Single-Family Residential Parcel	\$1,830.86
LM-01Q	1,371 – 1,540 square feet per Single-Family Residential Parcel	\$2,065.04
LM-01R	1,541 – 1,720 square feet per Single-Family Residential Parcel	\$2,313.41
LM-01S	1,721 – 1,910 square feet per Single-Family Residential Parcel	\$2,575.98
LM-01T	1,911 – 2,110 square feet per Single-Family Residential Parcel	\$2,852.73

The base year for Tax Rate Area No. LM-01 is Fiscal Year 2014/15.

4. Tax Rate Area No. LM-02 (Landscaping for Property Other than Single-Family Residential)



The Maximum Special Tax for Taxable Property in Tax Rate Area No. LM-02 will be as follows:

Maintenance Category	Maintenance Description	Rate per Proportional Front Foot
LM-02A	Median(s) (other than Medians- Shared)	\$10.94
LM-02B	Median(s)-Shared	\$5.47
LM-02C	Parkway(s)	\$13.48

In the event the Proportional Front Footage for a single Annexation Group contains multiple Maintenance Categories, the Maximum Special Tax for Taxable Property in the Annexation Group will be the sum of the Special Taxes for each applicable Maintenance Category. For example if a parcel has 75 Proportional Front Feet of Parkway (see the example given as part of the definition of "Proportional Front Foot") and 50 Proportional Front Feet of Medians that are not Medians-Shared, that parcel's Maximum Special Tax will be \$1,558 (75 x \$13.48)+(50 x \$10.94).

If, as a result of an annexation, improvements (or portions of improvements) that had been classified in prior fiscal years as "Median" become "Median-Shared" improvements, the proportional front feet associated with those improvements (or portions of improvements) shall be taxed at the LM-02B rate rather than the LM-02A rate.

The base year for Tax Rate Area No. LM-02 is Fiscal Year 2014/15.

C. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

For each Fiscal Year, the CFD Administrator shall, separately within each Tax Rate Area, levy the Special Tax Proportionately on each Assessor's Parcel, whether Developed or Undeveloped, within that Tax Rate Area at up to 100% of the applicable Maximum Special Tax until the amount levied is equal to the Special Tax Requirement assigned to that Tax Rate Area in that Fiscal Year.

D. APPEALS

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the Fiscal Year the error is believed to have occurred. The CFD Administrator or its designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable, a refund shall be granted.



The City Council may interpret this Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the Special Tax and any landowner appeals. Any decision of the City Council shall be final and binding as to all persons.

E. MANNER OF COLLECTION

The Special Tax as levied pursuant to Section D above and shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; however, the CFD Administrator may directly bill the Special Tax or collect Special Taxes at a different time, if necessary, to meet the financial obligations of the CFD as otherwise determined appropriate by the CFD Administrator.

The Special Tax shall be subject to the same penalties, procedure, sale, and lien priority in any case of delinquency as applicable for ad valorem taxes.

F. PREPAYMENT OF SPECIAL TAX OBLIGATION

The Special Tax may not be prepaid.

G. TERM OF SPECIAL TAX

Taxable Property in the CFD shall remain subject to the Special Tax in perpetuity or until the City Council takes appropriate actions to terminate the Special Tax pursuant to the Act.

H. ANNEXATIONS

It is intended that territory will, from time to time, be annexed to the CFD. Such territory will be assigned to new Tax Rate Areas, existing Tax Rate Areas, or a combination of new and existing Tax Rate Areas. In the event annexed territory is assigned to an existing Tax Rate Area, services (of a nature similar to those already provided in connection with the Tax Rate Area) will be provided to the annexed territory (or public improvements associated with the annexed territory).

I. RESTATEMENT

This document has been amended and restated from its original form. The purpose of restatements is to maintain the clarity of this document over time; to allow the document to be relevant to both existing and newly annexed parcels; and to aid in the efficient administration of the CFD. Amendments, except where approved by the relevant property owners, are not intended to increase the Maximum Special Tax Rate(s) applicable to parcels already a part of the CFD at the time of the amendment. To the extent an amendment inadvertently increases the Maximum Special Tax Rate(s) applicable to a Parcel, the Maximum Special Tax Rate(s) (adjusted by any associated



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Annual Escalation Factor) consented to by the owners of that Parcel at the time the Parcel was annexed to the CFD (or the voter-approved Maximum Special Tax Rate(s)) shall apply to that Parcel.

For purposes of the preceding paragraph, with respect to actions that occurred before a Parcel (the "Current Parcel") existed, the owners of the Current Parcel shall be understood to mean the owners of the Parcel that included the territory of the Current Parcel at the time the action occurred.

J. FORMER TAX RATE AREA NO. 1

Note that, beginning with the first amended and restated version of this document, the Tax Rate Area that was designated Tax Rate Area No. 1 in previous versions of this document has been redesignated as Tax Rate Area Nos. LM-01 and SL-01 (the "Successor Areas"). The combined Maximum Special Tax Rates in connection with the Successor Areas with respect to each Assessor's Parcel in former Tax Rate Area No. 1 is equal to the Maximum Special Tax Rate for former Tax Rate Area No. 1 and, together, the Successor Areas fund all services funded by the former Tax Rate Area No. 1. This change was made for administrative convenience and is not intended to increase the tax on the parcels included in former Tax Rate Area No. 1.

K. REVISION TO RATE TABLE FOR TAX RATE AREA NO. LM-01

Note that, beginning with the second amended and restated version of this document, an expanded tax rate table was created for Tax Rate Area No. LM-01. This tax rate table was designed to provide appropriate Maximum Tax Rates for parcels with different Maintenance Ratios.

All Taxable Parcels in Tax Rate Area No. LM-01 prior to this amendment were subject to a Base Year 2014/15 Maximum Special Tax of \$468.36 and are part of an Annexation Group with a Maintenance Ratio of 291 - 370 square feet per Single-Family Residential Parcel. This amendment does not change the maximum special tax rate for parcels already in the District. This change is not intended to increase the tax on the parcels included in Tax Rate Area No. LM-01 prior to the amendment.

FIRSTSECOND AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax for the City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the "CFD") shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

- "Act" means the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq*).
- "Administrative Expenses" means the expenses incurred by the City as administrator of the CFD to determine, levy and collect the Special Taxes, including salaries and benefits of City employees whose duties are related to administration of the CFD and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes, preparation of required reports; and any other costs required to administer the CFD as determined by the City.
- "Annexation Group" means a Parcel or group of Parcels that are annexed into the CFD and designated as an Annexation Group by the City Council action ordering annexation. In the event such order does not designate parcels as an Annexation Group, all parcels annexed by the order shall constitute a single Annexation Group.
- "Annual Escalation Factor" means the greater of the increase in the annual percentage change in the Consumer Price Index (CPI) for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor's Bureau of Labor Statistics or five percent (5%). If the CPI for the Los Angeles-Riverside-Orange County area is discontinued, the CFD administrator may replace it with a similar index for the purposes of calculating the Annual Escalation Factor.
- "Assessor's Parcel" or "Parcel" means a lot or parcel shown on the official map of the Riverside County Assessor designating parcels by assessor's parcel number.
- "Building Permit" means a permit issued for new construction of a residential or non-residential structure. For purposes of this definition, "Building Permit" shall not include permits issued solely for grading, utility improvements, or other such improvements that are constructed and installed and are not intended for human occupancy.



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"CFD Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and administrating the levy and collection of the Special Taxes.

"CFD" means City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services).

"City" means the City of Moreno Valley.

"Fiscal Year" means the period starting July 1 and ending the following June 30.

"Lot" means property within a recorded Final Map, which is identified by a lot number for which a building permit could be issued.

"Landscaping Area" means the area of landscaping added to the landscaping improvements to be maintained in connection with the CFD and funded by the Special Tax for specified Annexation Group(s).

"Maintenance Ratio" means the ratio derived by:

- (i) taking the square footage of the Landscaping Area associated with an Annexation Group, then
- (ii) dividing the amount from (i) by the number of Taxable Parcel(s) within that Annexation Group. Such amount will be rounded to the nearest whole number.

The Maintenance Ratio represents the number of square feet of landscaping that will be maintained for each taxed parcel.

For example, if an Annexation Group consists of all of the parcels in a new single family residential subdivision consisting of 100 single family residential parcels, and the CFD will fund the maintenance of 15,000 square feet of landscaping in the subdivision, then the Maintenance Ratio for the Annexation Group is 150 (15,000 divided by 100).

"Maximum Special Tax" means the Maximum Special Tax, determined in accordance with Section CB below that can be levied in the CFD in any Fiscal Year on any Assessor's Parcel.

"Median" means any landscaped area to be maintained in connection with the CFD that is located between lanes of traffic within the street right-of-way.

"Median-Shared" means any Median that is located in the right-of-way of a street that is bordered on both sides by parcels that are within the CFD (even if such parcels are separated from the right-of-way by a wall, parkway or other improvement).



"Parkway" means any landscaped area, other than a Median, to be maintained in connection with the CFD.

"Property Owner Association Property" means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder, to a property owner association, including any master or sub-association.

"Proportional Front Foot" means, for a parcel of Taxable Property that is part of an Annexation Group, the result of the following calculation:

- (i) Take the total linear footage adjacent to each street light, Median, or Parkway improvements for all parcels of Taxable Property in that Annexation Group; then,
- (ii) Divide the total linear front footage calculation in step (i) by the total acreage of all Taxable Property in the Annexation Group; then,
- (iii) Multiply the result in step (ii) by the parcel's acreage for which the Proportional Front Foot is being calculated.

This calculation should be done separately with respect to:

- a) Median-Shared improvements
- b) Median improvement other than Median-Shared improvements
- c) Parkway improvements, and/or
- d) Street light improvements

The purpose of this calculation is to determine, based on a parcel's share of the acreage in its Annexation Group, the parcel's "fair share" of the linear footage of improvements maintained in connection with the CFD.

For example: if an Annexation Group consist of 10 acres of Taxable Property and in total 500 linear feet of the frontage of these parcels is adjacent to CFD-Maintained Parkway Improvement, then a 1.5 acre parcel of Taxable Property in that Annexation Group would have 75 Proportional Front Feet of Parkway ((500 / 10) * 1.5).

"Proportionately" means in a manner such that with respect to a Tax Rate Area, the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels within each Land Use Class within each the Tax Rate Area.



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"Public Property" means any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency and is used for public purposes.

"Single-Family Residential" means any Assessors' Parcel within the CFD for which a Building Permit has been, or is intended to be, issued for purposes of constructing a residential structure consisting of one single-family unit.

"Special Tax" means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections CB and DC, below.

"Special Tax Requirement" means, for each Tax Rate Area separately, the amount required in any Fiscal Year to: (i) pay for the services financed by the CFD; (ii) pay Administrative Expenses; (iii) pay any amounts required to establish or replenish any Reserve Funds; and (iv) pay for anticipated delinquent Special Taxes (not to exceed 10% of total requirement) less any surplus of funds available from the previous Fiscal Year's Special Tax levy.

"State" means the State of California.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of the CFD other than Public Property, Property Owner Association Property, or property exempted by law from the Special TaxTax-Exempt Property.

"Tax-Exempt Property" means an Assessor's Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, and (iii) property owned in commonotherwise exempted by law from the Special Tax.

"Tax Rate Area" means a grouping of parcels that are taxed to fund a specific service. For example, Tax Rate Area No. SL-01 includes all parcels that are taxed for standard residential street lighting services and Tax Rate Area No. LM-01 includes all parcels that are taxed for landscape maintenance services for the public landscaping maintained in connection with Tax Rate Area No. LM-01. Tax Rate Areas may be created from time to time, and each parcel annexed to the CFD shall, at the time it is annexed, be assigned to one or more Tax Rate Area(s) by action of the City Council (with the consent of the property owner or with voter approval).

B. MAXIMUM SPECIAL TAX RATES

Each Tax Rate Area has a separate Maximum Special Tax for Taxable Property. On each July 1 following its indicated "base year", the Maximum Special Tax for

Taxable Property for a Tax Rate Area shall be increased in accordance with the Annual Escalation Factor. No Special Tax shall be levied on Tax-Exempt Property.

1. Tax Rate Area No. LM-01 (Residential Landscaping)

The Maximum Special Tax for Taxable Property in Tax Rate Area No. LM-01 will be \$468.36 per Lot. The base year for Tax Rate Area No. LM-01 is Fiscal Year 2014/15.

2. Tax Rate Area No. SL-01 (Single-Family Residential Street Lighting)

The Maximum Special Tax for Taxable Property in Tax Rate Area No. SL-01 will be \$197.39 per Lot. Single-Family Residential Parcel The base year for Tax Rate Area No. SL-01 is Fiscal Year-2015/16.

The base year for Tax Rate Area No. SL-01 is Fiscal Year 2014/15.

3. <u>Tax Rate Area No. SL-02 (Street Lighting for Property Other than Single-Family Residential)</u>

The Maximum Special Tax for Taxable Property in Tax Rate Area No. SL-02 will be \$3.25 per Proportional Front Foot.

The base year for Tax Rate Area No. SL-02 is Fiscal Year 2014/15.

4. Tax Rate Area No. LM-01 (Single-Family Residential Landscaping)

The Maximum Special Tax for Taxable Property in Tax Rate Area No. LM-01 will be as follows:

Maintenance Category	Maintenance Ratio	Rate per Single-Family Residential Parcel
<u>LM-01A</u>	Less than or equal to 20 square feet per Single-Family Residential Parcel	<u>\$14.19</u>
<u>LM-01B</u>	21 - 40 square feet per Single-Family Residential Parcel	<u>\$42.58</u>
<u>LM-01C</u>	41 - 70 square feet per Single-Family Residential Parcel	<u>\$78.06</u>
<u>LM-01D</u>	71 - 110 square feet per Single-Family Residential Parcel	<u>\$127.73</u>
<u>LM-01E</u>	111 - 160 square feet per Single-Family Residential Parcel	<u>\$191.60</u>
<u>LM-01F</u>	161 - 220 square feet per Single-Family Residential Parcel	<u>\$269.66</u>
<u>LM-01G</u>	221 - 290 square feet per Single-Family Residential Parcel	<u>\$361.91</u>
<u>LM-01H</u>	291 - 370 square feet per Single-Family Residential Parcel	<u>\$468.36</u>
<u>LM-01I</u>	371 - 460 square feet per Single-Family Residential Parcel	<u>\$589.00</u>
<u>LM-01J</u>	461 - 560 square feet per Single-Family Residential Parcel	<u>\$723.83</u>
<u>LM-01K</u>	561 - 670 square feet per Single-Family Residential Parcel	<u>\$872.85</u>



Maintenance Category	Maintenance Ratio	Rate per Single-Family Residential Parcel
<u>LM-01L</u>	671 - 790 square feet per Single-Family Residential Parcel	<u>\$1,036.07</u>
<u>LM-01M</u>	791 - 920 square feet per Single-Family Residential Parcel	<u>\$1,213.48</u>
<u>LM-01N</u>	921 – 1,060 square feet per Single-Family Residential Parcel	<u>\$1,405.08</u>
<u>LM-01O</u>	1,061 – 1,210 square feet per Single-Family Residential Parcel	<u>\$1,610.87</u>
<u>LM-01P</u>	1,211 – 1,370 square feet per Single-Family Residential Parcel	<u>\$1,830.86</u>
<u>LM-01Q</u>	1,371 – 1,540 square feet per Single-Family Residential Parcel	<u>\$2,065.04</u>
<u>LM-01R</u>	1,541 – 1,720 square feet per Single-Family Residential Parcel	<u>\$2,313.41</u>
<u>LM-01S</u>	1,721 – 1,910 square feet per Single-Family Residential Parcel	<u>\$2,575.98</u>
<u>LM-01T</u>	1,911 – 2,110 square feet per Single-Family Residential Parcel	<u>\$2,852.73</u>

The base year for Tax Rate Area No. LM-01 is Fiscal Year 2014/15.

<u>5. Tax Rate Area No. LM-02 (Landscaping for Property Other than Single-Family Residential)</u>

The Maximum Special Tax for Taxable Property in Tax Rate Area No. LM-02 will be as follows:

Maintenance Category	Maintenance Description	Rate per Proportional Front Foot
<u>LM-02A</u>	Median(s) (other than Medians- Shared)	<u>\$10.94</u>
<u>LM-02B</u>	Median(s)-Shared	<u>\$5.47</u>
<u>LM-02C</u>	Parkway(s)	<u>\$13.48</u>

In the event the Proportional Front Footage for a single Annexation Group contains multiple Maintenance Categories, the Maximum Special Tax for Taxable Property in the Annexation Group will be the sum of the Special Taxes for each applicable Maintenance Category. For example if a parcel has 75 Proportional Front Feet of Parkway (see the example given as part of the definition of "Proportional Front Foot") and 50 Proportional Front Feet of Medians that are not Medians-Shared, that parcel's Maximum Special Tax will be \$1,558 (75 x \$13.48)+(50 x \$10.94).

If, as a result of an annexation, improvements (or portions of improvements) that had been classified in prior fiscal years as "Median" become "Median-Shared" improvements, the proportional front feet associated with those improvements (or portions of improvements) shall be taxed at the LM-02B rate rather than the LM-02A rate.



The base year for Tax Rate Area No. LM-02 is Fiscal Year 2014/15.

C. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

For each Fiscal Year, the CFD Administrator shall, separately within each Tax Rate Area, levy the Special Tax Proportionately on each Assessor's Parcel, whether Developed or Undeveloped, within that Tax Rate Area at up to 100% of the applicable Maximum Special Tax until the amount levied is equal to the Special Tax Requirement assigned to that Tax Rate Area in that Fiscal Year.



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D. APPEALS

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the Fiscal Year the error is believed to have occurred. The CFD Administrator or its designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable, a refund shall be granted.

The City Council may interpret this Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the Special Tax and any landowner appeals. Any decision of the City Council shall be final and binding as to all persons.

E. MANNER OF COLLECTION

The Special Tax as levied pursuant to Section D above and shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; however, the CFD Administrator may directly bill the Special Tax or collect Special Taxes at a different time, if necessary, to meet the financial obligations of the CFD as otherwise determined appropriate by the CFD Administrator.

The Special Tax shall be subject to the same penalties, procedure, sale, and lien priority in any case of delinquency as applicable for ad valorem taxes.

F. PREPAYMENT OF SPECIAL TAX OBLIGATION

The Special Tax may not be prepaid.

G. TERM OF SPECIAL TAX

Taxable Property in the CFD shall remain subject to the Special Tax in perpetuity or until the City Council takes appropriate actions to terminate the Special Tax pursuant to the Act.

H. ANNEXATIONS

It is intended that territory will, from time to time, be annexed to the CFD. Such territory will be assigned to new Tax Rate Areas, existing Tax Rate Areas, or a combination of new and existing Tax Rate Areas. In the event annexed territory is assigned to an existing Tax Rate Area, services (of a nature similar to those already provided in connection with the Tax Rate Area) will be provided to the annexed territory (or public improvements associated with the annexed territory).



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I. RESTATEMENT

This document has been amended and restated from its original form. The purpose of restatements is to maintain the clarity of this document over time; to allow the document to be relevant to both existing and newly annexed parcels; and to aid in the efficient administration of the CFD. Amendments, except where approved by the relevant property owners, are not intended to increase the Maximum Special Tax Rate(s) applicable to parcels already a part of the CFD at the time of the amendment. To the extent an amendment inadvertently increases the Maximum Special Tax Rate(s) applicable to a Parcel, the Maximum Special Tax Rate(s) (adjusted by any associated Annual Escalation Factor) consented to by the owners of that Parcel at the time the Parcel was annexed to the CFD (or the voter-approved Maximum Special Tax Rate(s)) shall apply to that Parcel.

For purposes of the preceding paragraph, with respect to actions that occurred before a Parcel (the "Current Parcel") existed, the owners of the Current Parcel shall be understood to mean the owners of the Parcel that included the territory of the Current Parcel at the time the action occurred.

J. FORMER TAX RATE AREA NO. 1

Note that, beginning with the first amended and restated version of this document, the Tax Rate Area that was designated Tax Rate Area No. 1 in previous versions of this document has been redesignated as Tax Rate Area Nos. LM-01 and SL-01 (the "Successor Areas"). The combined Maximum Special Tax Rates of in connection with the Successor Areas with respect to each Assessor's Parcel in former Tax Rate Area No. 1 is equal to the Maximum Special Tax Rate for former Tax Rate Area No. 1 and, together, the Successor Areas fund all services funded by the former Tax Rate Area No. 1. This change was made for administrative convenience and is not intended to increase the tax on the parcels included in former Tax Rate Area No. 1.

K. REVISION TO RATE TABLE FOR TAX RATE AREA NO. LM-01

Note that, beginning with the second amended and restated version of this document, an expanded tax rate table was created for Tax Rate Area No. LM-01. This tax rate table was designed to provide appropriate Maximum Tax Rates for parcels with different Maintenance Ratios.

All Taxable Parcels in Tax Rate Area No. LM-01 prior to this amendment were subject to a Base Year 2014/15 Maximum Special Tax of \$468.36 and are part of an Annexation Group with a Maintenance Ratio of 291 - 370 square feet per Single-Family Residential Parcel. This amendment does not change the maximum special tax rate for parcels already in the District. This change is not intended to increase the tax on the parcels included in Tax Rate Area No. LM-01 prior to the amendment.

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City Council considers Resolution of Intent to amend the Rate and Method of Apportionment and set date for the Public Hearing.

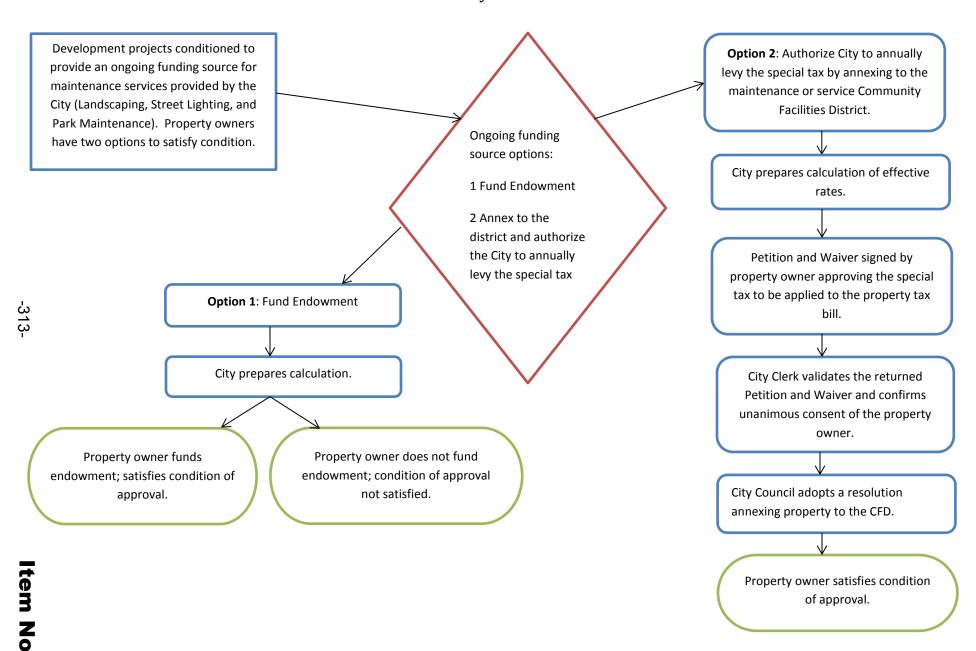
City Council conducts Public Hearing (30-60 days after the Resolution of Intention) and introduces the Ordinance to amend the Rate and Method of Apportionment.

City Council holds second reading of the Ordinance to amend the Rate and Method of Apportionment. Ordinance effective 30 days after approval.

Developments able to utilize newly created tax rate area to satisfy conditions of approval.

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Process Flow for Property Owners/Developers to Satisfy Funding Requirement for Existing Maintenance or Service Community Facilities Districts



process flow is simplified for illustration purposes. Contact the Special Districts Division at 951.413.3480 for the detailed process. The developer has the option to the maintenance through a home owners association for Community Facilities District No. 2014-01 (Maintenance Services).

November 18, 2014

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APPROVALS		
BUDGET OFFICER	me	
CITY ATTORNEY	8MB	
CITY MANAGER	D	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Chief Financial Officer

AGENDA DATE: January 27, 2015

TITLE: PUBLIC HEARING REGARDING THE MAIL BALLOT

PROCEEDINGS TO APPROVE THE NPDES MAXIMUM RESIDENTIAL REGULATORY RATE FOR CV COMMUNITIES AND THE NPDES MAXIMUM COMMERCIAL REGULATORY RATE FOR PSIP INTEGRA MORENO VALLEY, LLC AND WOODHAVEN

DEVELOPERS, INC. DEVELOPMENTS

RECOMMENDED ACTION

Recommendations: That the City Council:

- Conduct the Public Hearing and accept public testimony regarding the mail ballot proceedings for certain properties owned by CV Communities, PSIP Integra Moreno Valley, LLC, and Woodhaven Developers, Inc. for approval of the applicable NPDES rate to be applied to the property tax bills.
- 2. Direct the City Clerk to tabulate the returned NPDES ballots.
- 3. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet.
- 4. Receive and file the Official Tally Sheet with the City Clerk's office.
- If approved, authorize and impose the applicable NPDES maximum regulatory rate to APNs 478-090-007, 478-090-036, 478-100-009, 478-100-010, 478-100-034, 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140- 041, 297-140-042, and 292-100-010.

SUMMARY

The action before the City Council is to conduct a Public Hearing for the National Pollutant Discharge Elimination System (NPDES) mail ballot proceedings. This will allow the item to be publicly discussed prior to conducting the election and accepting the results which occurs after the close of the public hearing. Conducting the Public Hearing satisfies state law requirements including Proposition 218 state statutes and provides transparency. The revenue generated by the NPDES Program provides a funding source for pollution control of storm water runoff into municipally owned drainage facilities, lessening the impact of compliance with federal requirements on the general taxpayer in Moreno Valley.

The action to accept 12 parcels (and any subdivision thereof) into the City's NPDES annual parcel charge levy process only affects 3 property owners, not the general citizens or taxpayers of the City.

CV Communities, PSIP Integra Moreno Valley, LLC, and Woodhaven Developers, Inc. have elected to satisfy conditions of approval for each of their development projects by authorizing the annual rate for NPDES to be collected on their Riverside County property tax bill. Descriptions of the locations of parcels subject to the conditions of approval are shown in the table in the following section of this report (page 3). A process chart (attachment 4) shows the procedure the property owners/developers followed to voluntarily elect to participate in the City's NPDES program.

DISCUSSION

New development projects are subject to the current NPDES Permit requirements for storm water management as mandated by the Federal Clean Water Act. Public agencies are required to obtain NPDES Permits to discharge urban storm water runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Public Works Department, conditions new development projects to participate in either the NPDES residential or commercial regulatory rate to fund federally mandated programs. The City Council adopted the residential regulatory rate on June 10, 2003, and the commercial regulatory rate on January 10, 2006.

The funds generated by the NPDES commercial rate are used by the City to inspect site design, source and treatment control Best Management Practices, monitor maintenance records of those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements which are administered by the State. The City also monitors residential developments by providing the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system, and performs inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements with funding provided by the NPDES residential rate.

Each development project, CV Communities, PSIP Integra Moreno Valley, LLC, and Woodhaven Developers, Inc. (the "Property Owners") have been conditioned to provide a funding source to support the NPDES program. The Assessor's Parcel Number and location of each development is listed in the table below.

Property Owner	APN	Location	Maximum Rate
CV Communities	478-090-007, 478-090-036, 478-100-009, 478-100-010, and	· ·	Residential \$300.14/parcel
PSIP Integra	478-100-034 297-140-037, 297-140-038,	and Cactus Ave. south side of Newhope St.,	Commercial
Moreno Valley,	297-140-039, 297-140-040,	between Elsworth St. and	\$226.01/parcel
LLC	297-140-041, and 297-140-042	Veterans Way	
Woodhaven	292-100-010	west side of Heacock St., south of	Commercial
Developers, Inc.		Sunnymead Blvd.	\$226.01/parcel

The Property Owners were given two options to satisfy their conditions of approval: 1) approve the NPDES rate to be collected on the Riverside County property tax bill or 2) fund an endowment to be used to fund the parcel(s) annual requirement. The Property Owners have elected to satisfy their conditions of approval by authorizing the annual NPDES rate to be collected on the Riverside County property tax bill. Before the NPDES rate can be included on the property tax bill, the property owner must approve the rate through the mail ballot proceeding process.

A mail ballot proceeding is a legally required process to approve new or an increase to existing charges. A notice explaining what the proposed charge is for and how the charge will be determined annually was mailed to each Property Owner along with a ballot for casting their vote. The law states that property owners must be provided 45 days to review the notice and be given two opportunities to address the legislative body (City Council). These two opportunities included the December 9th Public Meeting and the scheduled January 27th Public Hearing. The results of the mail ballot proceedings may be announced after the close of the Public Hearing.

Approval of the NPDES rate fulfills the conditions of approval for each development project by authorizing the City to annually levy the NPDES maximum residential regulatory rate to Assessor's Parcel Numbers (APNs) 478-090-007, 478-090-036, 478-100-009, 478-100-010, and 478-100-034 and the NPDES maximum commercial regulatory rate to APNs 297-140- 037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, 297-140-042, and 292-100-010 on the Riverside County property tax bill.

<u>ALTERNATIVES</u>

1. **Conduct the Public Hearing,** tabulate the ballots, verify, and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet, receive and file the Official Tally Sheet with the City Clerk's office, and if approved, authorize and impose the applicable NPDES rates to the APNs discuss in this report. This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218 for the projects being balloted.

- 2. **Open the Public Hearing and continue the hearing** to a future regular City Council meeting. This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218. This alternative will not incur any additional costs for re-noticing but could delay the release of any certificate of occupancy for the projects being balloted.
- 3. **Do not conduct the Public Hearing,** tabulate the ballots, verify, or accept the results of the mail ballot proceedings. This alternative prohibits the Property Owners from satisfying their conditions of approval utilizing this funding mechanism and may delay the release of any certificate of occupancy for the projects. This alternative would also be contrary to state statutes and would require the noticing period for the mail ballot proceedings to begin again causing additional costs to be incurred for re-noticing.
- 4. **Do not conduct the Public Hearing** at this time but reschedule it to a date certain, at a regular City Council meeting. This alternative would require the 45-day noticing period to start over and cause additional costs to be incurred for renoticing. Rescheduling the public hearing may also delay the release of any certificate of occupancy for the projects being balloted.

FISCAL IMPACT

For fiscal year (FY) 2014/15, the NPDES maximum annual regulatory rate for residential properties is \$300.14 per parcel and the NPDES maximum annual regulatory rate for commercial properties is \$226.01 per parcel. If approved, the NPDES rates will only be applied to the property tax bills for those properties where the property owners have approved the NPDES rate and have authorized the City to collect the charge. Beginning in FY 2015/16, the maximum regulatory rates will be subject to an annual adjustment based on the percentage change calculated for the previous year Consumer Price Index ("CPI"), which must be reviewed and approved by the City Council each year prior to the annual levy. The maximum rates cannot be increased beyond the annual CPI adjustment without approval of the property owners that are subject to the charge.

The NPDES rates support the current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the NPDES rates are restricted for use only within the Storm Water Management program.

CITY COUNCIL GOALS

Advocacy

Storm water management will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Revenue Diversification and Preservation

The NPDES maximum regulatory rates fund program costs, which include maintenance and administration.

NOTIFICATION

The Property Owners were provided the required 45-day noticing period to review the ballot documents. The documents included a notice to the property owner, map of the project area, NPDES ballot, instructions for marking and returning the ballot, and a postage-paid envelope to return the ballot to the City Clerk (Attachments 1-3).

Newspaper advertising for the December 9, 2014 Public Meeting was published in The Press-Enterprise on November 20, 2014. Additionally, the Public Hearing notice was published on January 8 and again on January 15, 2015.

ATTACHMENTS

- 1. Mail Ballot Packet for CV Communities (APNs 478-090-007, 478-090-036, 478-100-009, 478-100-010, and 478-100-034)
- 2. Mail Ballot Packet for PSIP Integra Moreno Valley, LLC (APNs 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, and 297-140-042)
- 3. Mail Ballot Packet for Woodhaven Developers, Inc. (APN 292-100-010)
- 4. Process Flow for Property Owners/Developers Joining the NPDES Annual Parcel Charge Levy Process

Prepared by: Jennifer Terry, Management Analyst

Concurred by: Candace E. Cassel, Special Districts Division Manager Department Head Approval: Richard Teichert, Chief Financial Officer

Concurred by: Mark W. Sambito, P.E. Engineering Division Manager This page intentionally left blank.



TEL: 951.413.3480 FAX: 951.413.3498 WWW.MOVAL.ORG 14331 Frederick Street, Suite 2 P. O. Box 8800S Moreno Valley, CA 92552-080S

December 11, 2014

CV Communities c/o City Ventures Homebuilding LLC Attention: Adam Smith 3121 Michelson Drive, Suite 150 Irvine, CA 92612

Rescheduling of the Public Hearing for the NPDES Mail Ballot Proceeding for Tentative

Tract Map 36436

Dear Mr. Smith:

Subject:

The Public Hearing for the National Pollutant Discharge Elimination System (NPDES) mail ballot proceeding originally scheduled for January 13, 2015 has been rescheduled for January 27, 2015. Attached is a revised Notice to Property Owner listing the new date of the Public Hearing. All other mail ballot documents remain unchanged. If your ballot has already been returned, it will remain in the custody of the City Clerk until the January 27, 2015 Public Hearing.

If you have any questions regarding the rescheduling of the Public Hearing, please contact our office, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m. at 951.413.3480.

Sincerely,

Richard Teichert

Chief Financial Officer

Enclosure

c: Candace Cassel, Special Districts Division Manager Jane Halstead, City Clerk

Tel: 951.413.3480 Fax: 951.413.3498 www.moval.org



14331 Frederick Street, Suite 2 P. O. Box 88005 Moreno Valley, CA 92552-0805

CV Communities c/o City Ventures Homebuilding LLC 3121 Michelson Drive, Suite 150 Irvine, CA 92612

December 11, 2014

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM RESIDENTIAL REGULATORY RATE FOR APNs 478-090-007, 478-090-036, 478-100-009, 478-100-010, and 478-100-034

***** OFFICIAL BALLOT ENCLOSED *****

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of Assessor's Parcel Numbers (APNs) 478-090-007, 478-090-036, 478-100-009, 478-100-010, and 478-100-034 the opportunity to express support for or opposition to the approval of the NPDES Maximum Residential Regulatory Rate and services. Approval of the NPDES Maximum Residential Regulatory Rate through a mail ballot proceeding will fulfill the Conditions of Approval to provide a funding source for the NPDES program.

Background

The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in storm water runoff from all development types. The City provides the services necessary to meet mandates of the Federal Clean Water Act. NPDES Maximum Residential Regulatory Rate provides financial support for monitoring, maintaining, and if necessary, improving the storm water discharge system, and performing inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

Services Provided

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall provide the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system, and perform inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

How is the Amount of the Charge Determined?

Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The

rate levied shall not exceed the rate previously approved by the property owner.

Proposed Charge

For FY 2014/15, the NPDES Maximum Residential Regulatory Rate is \$300.14 per parcel. The total amount of the NPDES rates levied for FY 2014/15 for the program as a whole was \$439,115.06.

Annual Adjustment

Beginning in FY 2015/16, the NPDES Maximum Residential Regulatory Rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Residential Regulatory Rate, the annual levy amount will be assessed to APNs 478-090-007, 478-090-036, 478-100-009, 478-100-010, and 478-100-034 (and any division thereof) and shall be placed on the Riverside County property tax bill or included as a monthly charge on a utility bill. The NPDES Maximum Residential Regulatory Rate will be levied each following year at the proposed rate, which includes an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.

Public Meeting	Public Hearing
Tuesday, December 9, 2014	Tuesday, January 27, 2015
6:00 P.M.	6:00 P.M.
(Or As Soon Thereafter As	(Or As Soon Thereafter As The
The Matter May Be Called)	Matter May Be Called)

Tabulation of returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if the Charge is Approved

Approval of the NPDES Maximum Residential Regulatory Rate will be confirmed if the ballot is marked in favor of the NPDES rate. Approving the NPDES Maximum Residential Regulatory Rate through a mail ballot proceeding will fulfill the Conditions of Approval to provide a funding source for the NPDES program.

Effect if the Charge is Not Approved

Not approving the NPDES Maximum Residential Regulatory Rate to meet federally mandated NPDES Permit requirements may result in noncompliance with the Conditions of Approval. If the returned ballot is marked opposing the NPDES rate, then the rate will not be levied on the property tax bill.

For More Information

If you have any questions about the proposed program, the annual rate, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Financial and Management Services Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m. at 951.413.3505 or via email at JenniferT@moval.org.

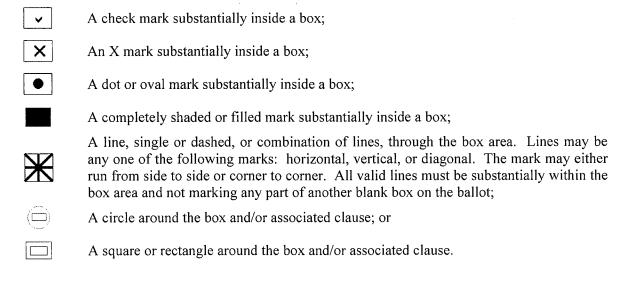
Completing Your Ballot

Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballot are also on file in the City Clerk's office.

- 1. Mark the enclosed ballot in support of or opposition to the proposed program and annual rate by placing a mark in the corresponding box.
- 2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid and will not be counted.
- 3. Mail or personally deliver your completed ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
- 4. Ballot(s) must be <u>received</u> by the City Clerk prior to the close of the Public Hearing to be held on <u>Tuesday</u>, <u>January 27</u>, <u>2015</u>, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Notice of Mail Ballot Proceeding for TM 36436 December 11, 2014

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time <u>prior</u> to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>.

Tel: 951.413.3480 Fax: 951.413.3498 www.moval.org



14331 Frederick Street, Suite 2
P. O. Box 88005
Moreno Valley, CA 92552-0805

CV Communities c/o City Ventures Homebuilding LLC 1900 Quail St Newport Beach, CA 92660 November 5, 2014

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM RESIDENTIAL REGULATORY RATE FOR APNs 478-090-007, 478-090-036, 478-100-009, 478-100-010, and 478-100-034

***** OFFICIAL BALLOT ENCLOSED *****

Introduction

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Background

The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in storm water runoff from all development types. The City provides the services necessary to meet mandates of the Federal Clean Water Act. NPDES Maximum Residential Regulatory Rate provides financial support for monitoring, maintaining, and if necessary, improving the storm water discharge system, and performing inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

Services Provided

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall provide the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system, and perform inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

How is the Amount of the Charge Determined?

Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The

rate levied shall not exceed the rate previously approved by the property owner.

Proposed Charge

For FY 2014/15, the NPDES Maximum Residential Regulatory Rate is \$300.14 per parcel. The total amount of the NPDES rates levied for FY 2014/15 for the program as a whole was \$439,115.06.

Annual Adjustment

Beginning in FY 2015/16, the NPDES Maximum Residential Regulatory Rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Residential Regulatory Rate, the annual levy amount will be assessed to APNs 478-090-007, 478-090-036, 478-100-009, 478-100-010, and 478-100-034 (and any division thereof) and shall be placed on the Riverside County property tax bill or included as a monthly charge on a utility bill. The NPDES Maximum Residential Regulatory Rate will be levied each following year at the proposed rate, which includes an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.

Public Meeting	Public Hearing
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Tabulation of returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if the Charge is Approved

Approval of the NPDES Maximum Residential Regulatory Rate will be confirmed if the ballot is marked in favor of the NPDES rate. Approving the NPDES Maximum Residential Regulatory Rate through a mail ballot proceeding will fulfill the Conditions of Approval to provide a funding source for the NPDES program.

Effect if the Charge is Not Approved

Not approving the NPDES Maximum Residential Regulatory Rate to meet federally mandated NPDES Permit requirements may result in noncompliance with the Conditions of Approval. If the returned ballot is marked opposing the NPDES rate, then the rate will not be levied on the property tax bill.

For More Information

If you have any questions about the proposed program, the annual rate, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Financial and Management Services Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m. at 951.413.3505 or via email at JenniferT@moval.org.

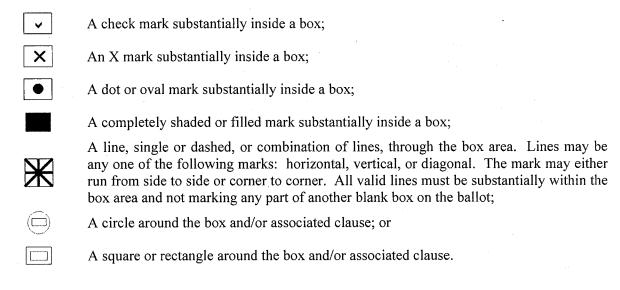
Completing Your Ballot

Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballot are also on file in the City Clerk's office.

- 1. Mark the enclosed ballot in support of or opposition to the proposed program and annual rate by placing a mark in the corresponding box.
- 2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid and will not be counted.
- 3. Mail or personally deliver your completed ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
- 4. Ballot(s) must be <u>received</u> by the City Clerk prior to the close of the Public Hearing to be held on <u>Tuesday</u>, <u>January 13</u>, <u>2015</u>, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Notice of Mail Ballot Proceeding for TM 36436 November 5, 2014

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time <u>prior</u> to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>.

RESIDENTIAL NPDES RATE SCHEDULE
Adopted by the City Council on June 10, 2003 (Level I, II, III, IV)
Adopted by the City Council on June 10, 2008 (Level II-A)

		ting, e of and ig of	rient	,	89.					
	etrofit	(Not covered by CSA 152) Costs associated with the maintenance and Costs associated with the maintenance and costs associated with the retrofitting. Costs associated with personnel, Costs associated with the maintenance and Costs associated with the retrofitting, associated with the retrofitting, management of the storm monitoring of the water quality pond/basin, monitoring of the sand filter within a water reconstruction of water quality pond/basin, monitoring and maintenance of quality pond/basin. This includes, but is not limited to may include the following: replacement of soil, appurtenances. This may include retrofitting of water reports and data vegetative material, work and tilities to may imited to maintenance of a sand bed, plants, irrigation, removal and attained basin insert filters, vortex devices.	installation of in-line filter systems, and nutrient baskets, etc.	Porty						
LIV	Water Quality System Retrofit	ith the and ma and ma al/basin siy include ers, vor	systems	Der/Mon	\$9.64					
LEVEL IV	Quality S	ated w nonitoring ulity pon This me	-line filter		el Rate					
	Water (associ ement, rr ater que enances. basin i	tion of in s, etc.		Proposed Parcel Rate					
_		d Costs I. replace y the way the way catch	installation of baskets, etc.							
	in Ion	iation and/basin on may nt of soil)	Par/Yr	\$50.88					
≡	Water Quality Pond/Basin Remediation/Reconstruction	tenance and Costs associated with the maintenance and Costs associated with the remediation and Costs associated with pond/basin, replacement, monitoring an limited to passociate the sand filter within a water freconstruction of water quality pond/basin, replacement, monitoring and reconstruction may the water quality pond/basin. This includes, but is not include the following: replacement of soil, appurtenances. This may in dutility and limited to maintenance of a sand bed, plants, inrigation, removal and hauling of catch basin insert filters.	work.	Per/Mon Per/Yr	\$4.24	×				
LEVEL	Quality P	ed with the of water and released owing: re	wastes and possible civil work.	·	el Rate	equired)				
	Water (Remedia	Costs associate reconstruction of Remediation include the foll plants, irrigation	and pos		Proposed Parcel Rate	ttive (if r				
		Costs reconstructions reconstruction reconstruction reconstruction reconstruction reconstructi	wastes		,	d cumula				
		iance and n a wate but is no and bed	nel. nd Level residentia er qualit, propertiee	Per/Yr	\$30.00	basis and				
Ą.	Sand Filter Maintenance	Costs associated with the maintenance and monitoring of the sand filter within a water quality pond/basin. This includes, but is not limited to maintenance of a sand bed,	bleeder lines and costs for personnel. Level II-A, in addition to Level II and Level I is levied on all properties within residential developments that have a water quality pond/basin with a sand fitter or on properties that benefit from a neighboring water quality	ter.	\$2.50	rice Level may be imposed on an as-needed basis and cumulative (if required) based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index				
Level II-A	ilter Ma	d with the le sand 1 sin. This tenance	d costs fe dition to I propertie that hav a sand fil	pond/basin with a sand filter.	el Rate	on an as-				
	Sand	associate ring of th pond/bas	r lines an I-A, in ad id on all pments asin with	asin with	Proposed Parcel Rate	nposed o				
		Costs (monitor)	bleeder			nay be in				
	tenance	nance and sond/basin. limited to basis of d utility and	s levied on all ave a water operties that water quality	PerfMon PerfYr	\$57.00	e Level n				
_	Water Quality Pond/Basin Maintenance		personnel costs. Level II, in addition to Level I is levied on all Level II-A, in addition to Level II and Level I properties within tracts that have a water is levied on all properties within residential quality pond/basin or on properties that developments that have a water quality benefit from a neighboring water quality pond/basin. that benefit from a neighboring water quality pond/basin.	Per/Mon	\$4.75					
LEVEL II	Pond/Ba	d with the swater of but is n a qu	personnel costs. Level II, in addition to Level I is properties within tracts that I quality pond/basin or on properefit from a neighboring pond/basin.		Rate	Eac			=	=
	Quality	ssociated ing of the coludes, cance of we mater	personnel costs. Level II, in additi properties within quality pond/ba: benefit from a pond/basin.		Proposed Parcel Rate	ubject to			3.00)	J, \$7138.U
	Water	Costs a monitor This ir mainter vegetat	personnel cr Level II, in a properties v quality pon benefit fron pond/basin.			llation, st	(00:	(00) (00) (00)	0.00, \$13	2009/2010 - no change = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)
		personnel, Costs associated with the main fithe storm monitoring of the water quality ministrative This includes, but is not a filling of maintenance on a quarterl and data vegetative material, civil work a	itioned for	DorWr	\$30.00	ear Calcu	.00 & 118	.00 & 121 .00, & 121 .00, & 132	31.00, \$6	9.00, \$51.
	stration	Costs associated with personnel, Costs associated with the main administration and management of the storm monitoring of the water quality water management program. Administrative This includes, but is not tasks include development and filing of maintenance on a quartert various storm water reports and data veotefative material, own work	personnel costs. Level I is levied on all parcels conditioned for Level II, in addition to Level I is levied on all Level II-A, in addition to Level II and Level II have a water is levied on all properties within residentia quality pond/basin or on properties that developments that have a water quality pendibasin with a sand filter or on properties pond/basin.	DorfMon	\$2.50	Each Ser Fiscat Year (FY) 2003/2004 - Base Year Calculation, subject to inflation factor	Inflation Factor Adjustments; 2004/2005 - 1.8% = (\$31.00, 58.00, 52.00 & 118.00)	2005/2006 - 4.4% = (\$32.00, \$1.00, \$4.00 & 123.00) 2006/2007 - 4.5% = (\$33.00, 64.00, 56.00, & 128.00) 2007/2008 - 3.1% = (\$34.00, 66.00, 58.00, & 132.00)	2008/2009 - 4.2% = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)	2009/2010 - no change = (\$35.00, \$69.00, \$31.00, \$60.00, \$138.00)
LEVEL 1	NPDES Administration	ered by (ited v I manage I manage nt progra	collection and management. Level I is levied on all parcel the NPDES Rate Schedule.)03/2004	nflation Factor Adjustments: 2004/2005 - 1.8% = (\$31.00, 58	(\$32.00) (\$33.00) (\$34.00)	(\$35.00,	ange = (≱
	NPDES	(Not covered associated ation and mar unagement proclude develo storm water	and mai levied or		d Parcel	ar (FY) 20	=actor Ac	6 - 4.4% = 7 - 4.5% = 3 - 3.1% =	3 - 4.2% =	o - uo cus
		Costs administra water ma tasks inc	collection Level I is he NPDE		Proposed Parcel Rate	iscal Yea	inflation {	2005/2001 2006/2001 3007/2008	2008/2008	1003/5005

W:\Ballots CSD_NPDES\FY 14.15 Ballots\NPDES\PA12-0005 TTM 36436 CV Comm\NPDES Rate Schedule 2014-15

2013/2014 - 2.0% = (\$38.00, \$75.00, \$34.00, \$65.00, \$150.00) rounded to the nearest whole dollar 2014/2015 - 1.14% = (\$39.38, \$74.82, \$34.10, \$66.73, \$151.84) Pursuant to City Council approval on June 10, 2014.

2011/2012 - 3.8% = (\$36.00, \$72.00, \$32.00, \$62.00, \$143.00) 2012/2013 - 2.7% = (\$37.00, \$74.00, \$33.00, \$64.00, \$147.00)

OFFICIAL MAIL BALLOT for Assessor's Parcel Numbers (APNs) 478-090-007, 478-090-036, 478-100-009, 478-100-010, and 478-100-034

National Pollutant Discharge Elimination System (NPDES) Maximum Residential Regulatory Rate

YES* — as property owner of APNs 478-090-007, 478-090-036, 478-100-009, 478-100-010, and 478-100-034, Image: Lapprove the NPDES Maximum Residential Regulatory Rate and services. For fiscal year (FY) 2014/15, the NPDES Maximum Residential Regulatory Rate is \$300.14 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the Riverside County property tax bill or included as a monthly charge on a utility bill. Beginning FY 2015/16, the maximum regulatory rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will provide storm water maintenance to residential neighborhoods for the continuous operation, systems evaluation/enhancement of the affected areas and the implementation of federally mandated NPDES requirements. Additionally, the rate schedule provides funds for monitoring, maintaining, and if necessary, for improving the storm water discharge system.

NO** — as property owner of APNs 478-090-007, 478-090-036, 478-100-009, 478-100-010, and 478-100-034, I do not approve the NPDES Maximum Residential Regulatory Rate and services. I understand that not approving the NPDES Maximum Residential Regulatory Rate to fund federally mandated NPDES Permit requirements may result in noncompliance with the project's Conditions of Approval. If the NPDES Maximum Residential Regulatory Rate is not approved the rate will not be levied on the Riverside County property tax bill.

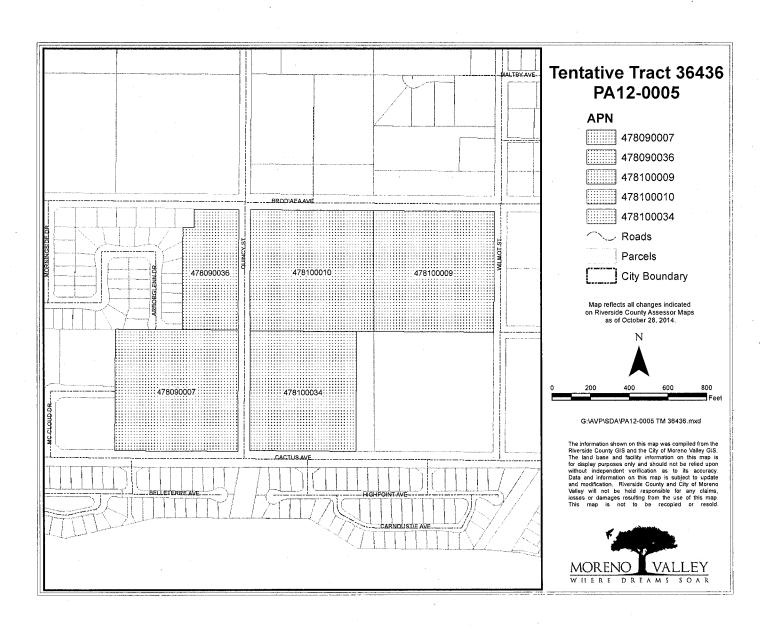
Assessor's Parcel Numbers	YES*	NO**	NPDES Maximum Residential Regulatory Rate
478-090-007 (and any division thereof)		A CONTROL OF THE CONT	\$300.14
478-090-036 (and any division thereof)			\$300.14
478-100-009 (and any division thereof)			\$300.14
478-100-010 (and any division thereof)			\$300.14
478-100-034 (and any division thereof)			\$300.14

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on <u>January 13, 2015</u>, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called.

14									- 1	
P	ROPI	ERTY	OWN	IER S	IGNA	TURI	Ξ	D	4TE	

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope prior to the close of the January 13, 2015 Public Hearing

Item No. E.2



MORENO VALLEY
WHERE DREAMS SOAR

Tel: 951.413.3480 Fax: 951.413.3498 www.moval.org 14331 Frederick Street, Suite 2 P. O. Box 88005 Moreno Valley, CA 92552-0805

PSIP Integra Moreno Valley, LLC c/o Charles E. Crookall 1300 Bristol Street North, Suite 290 Newport Beach, CA 92660

December 11, 2014

Subject:

Rescheduling of the Public Hearing for the NPDES Mail Ballot Proceeding for Parcel

Map 36625

Dear Mr. Crookall:

The Public Hearing for the National Pollutant Discharge Elimination System (NPDES) mail ballot proceeding originally scheduled for January 13, 2015 has been rescheduled for January 27, 2015. Attached is a revised Notice to Property Owner listing the new date of the Public Hearing. All other mail ballot documents remain unchanged. If your ballot has already been returned, it will remain in the custody of the City Clerk until the January 27, 2015 Public Hearing.

If you have any questions regarding the rescheduling of the Public Hearing, please contact our office, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m. at 951.413.3480.

Sincerely,

Richard Teichert

Chief Financial Officer

Management Analyst

Enclosure

c: Candace Cassel, Special Districts Division Manager Jane Halstead, City Clerk

MORENO VALLEY
WHERE DREAMS SOAR

14331 Frederick Street, Suite 2 P. O. Box 88005 Moreno Valley, CA 92552-0805

PSIP Integra Moreno Valley, LLC c/o Charles E. Crookall 1300 Bristol Street North, Suite 290 Newport Beach, CA 92660

December 11, 2014

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE FOR APNs 297-140-037, 297-140-038, 297-140-040, 297-140-041, AND 297-140-042

***** OFFICIAL BALLOT ENCLOSED *****

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of Assessor's Parcel Numbers (APNs) 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, and 297-140-042 the opportunity to express support for or opposition to the approval of the NPDES Maximum Commercial/Industrial Regulatory Rate and services. Approval of the NPDES Maximum Commercial/Industrial Regulatory Rate through a mail ballot proceeding will fulfill the Conditions of Approval to provide a funding source for the NPDES program.

Background

The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. The City provides the services necessary to meet mandates of the Federal Clean Water Act related to the NPDES permit. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

Services Provided

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

Notice of Mail Ballot Proceeding for APNs 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, and 297-140-042

December 11, 2014

How is the Amount of the Charge Determined?

Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owner.

Proposed Charge

For FY 2014/15, the NPDES Maximum Commercial/Industrial Regulatory Rate is \$226.01 per parcel. The total amount of the NPDES rates levied for FY 2014/15 for the program as a whole was \$439,115.06.

Annual Adjustment

Beginning in FY 2015/16, the NPDES Maximum Commercial/Industrial Regulatory Rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APNs 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, and 297-140-042 (and any division thereof) and shall be placed on the Riverside County property tax bill or included as a monthly charge on a utility bill. The NPDES Maximum Commercial/Industrial Regulatory Rate will be levied each following year at the proposed rate, which includes an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.

Public Meeting	Public Hearing
Tuesday, December 9, 2014	Tuesday, January 27, 2015
6:00 P.M.	6:00 P.M.
(Or As Soon Thereafter As	(Or As Soon Thereafter As The
The Matter May Be Called)	Matter May Be Called)

Tabulation of returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if the Charge is Approved

Approval of the NPDES Maximum Commercial/Industrial Regulatory Rate will be confirmed if the ballot is marked in favor of the NPDES rate. Approving the NPDES Maximum Commercial/Industrial Regulatory Rate through a mail ballot proceeding will fulfill the Conditions of Approval to provide a funding source for the NPDES program.

Notice of Mail Ballot Proceeding for APNs 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, and 297-140-042

December 11, 2014

Effect if the Charge is Not Approved

Not approving the NPDES Maximum Commercial/Industrial Regulatory Rate to meet federally mandated NPDES Permit requirements may result in noncompliance with the Conditions of Approval. If the returned ballot is marked opposing the NPDES rate, then the rate will not be levied on the property tax bill.

For More Information

If you have any questions about the proposed program, the annual rate, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Financial and Management Services Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m. at 951.413.3505 or via email at JenniferT@moval.org.

Completing Your Ballot

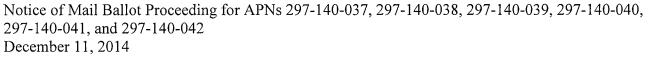
Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballot are also on file in the City Clerk's office.

- 1. Mark the enclosed ballot in support of or opposition to the proposed program and annual rate by placing a mark in the corresponding box.
- 2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid and will not be counted.
- 3. Mail or personally deliver your completed ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
- 4. Ballot(s) must be <u>received</u> by the City Clerk prior to the close of the Public Hearing to be held on <u>Tuesday</u>, <u>January 27</u>, <u>2015</u>, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

~	A check mark substantially inside a box;
×	An X mark substantially inside a box;
•	A dot or oval mark substantially inside a box;
	A completely shaded or filled mark substantially inside a box;
\mathbb{X}	A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or
A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time <u>prior</u> to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. <u>Initials</u> must be clearly printed and placed at the right top corner of the revised selection.

Tel: 951.413.3480 Fax: 951.413.3498 www.moval.org



14331 Frederick Street, Suite 2 P. O. Box 88005 Moreno Valley, CA 92552-0805

PSIP Integra Moreno Valley, LLC c/o Charles E. Crookall 1300 Bristol Street North, Suite 290 Newport Beach, CA 92660

November 25, 2014

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE FOR APNs 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, AND 297-140-042

***** OFFICIAL BALLOT ENCLOSED *****

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of Assessor's Parcel Numbers (APNs) 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, and 297-140-042 the opportunity to express support for or opposition to the approval of the NPDES Maximum Commercial/Industrial Regulatory Rate and services. Approval of the NPDES Maximum Commercial/Industrial Regulatory Rate through a mail ballot proceeding will fulfill the Conditions of Approval to provide a funding source for the NPDES program.

Background

The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. The City provides the services necessary to meet mandates of the Federal Clean Water Act related to the NPDES permit. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

Services Provided

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

Notice of Mail Ballot Proceeding for APNs 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, and 297-140-042 November 25, 2014

How is the Amount of the Charge Determined?

Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owner.

Proposed Charge

For FY 2014/15, the NPDES Maximum Commercial/Industrial Regulatory Rate is \$226.01 per parcel. The total amount of the NPDES rates levied for FY 2014/15 for the program as a whole was \$439,115.06.

Annual Adjustment

Beginning in FY 2015/16, the NPDES Maximum Commercial/Industrial Regulatory Rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APNs 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, and 297-140-042 (and any division thereof) and shall be placed on the Riverside County property tax bill or included as a monthly charge on a utility bill. The NPDES Maximum Commercial/Industrial Regulatory Rate will be levied each following year at the proposed rate, which includes an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.

Public Meeting	Public Hearing
Tuesday, December 9, 2014 6:00 P.M.	Tuesday, January 13, 2015 6:00 P.M.
(Or As Soon Thereafter As	(Or As Soon Thereafter As The
The Matter May Be Called)	Matter May Be Called)

Tabulation of returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if the Charge is Approved

Approval of the NPDES Maximum Commercial/Industrial Regulatory Rate will be confirmed if the ballot is marked in favor of the NPDES rate. Approving the NPDES Maximum Commercial/Industrial Regulatory Rate through a mail ballot proceeding will fulfill the Conditions of Approval to provide a funding source for the NPDES program.

Notice of Mail Ballot Proceeding for APNs 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, and 297-140-042 November 25, 2014

Effect if the Charge is Not Approved

Not approving the NPDES Maximum Commercial/Industrial Regulatory Rate to meet federally mandated NPDES Permit requirements may result in noncompliance with the Conditions of Approval. If the returned ballot is marked opposing the NPDES rate, then the rate will not be levied on the property tax bill.

For More Information

If you have any questions about the proposed program, the annual rate, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Financial and Management Services Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m. at 951.413.3505 or via email at JenniferT@moval.org.

Completing Your Ballot

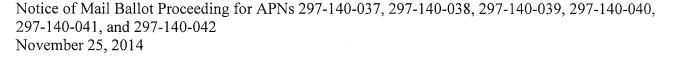
Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballot are also on file in the City Clerk's office.

- 1. Mark the enclosed ballot in support of or opposition to the proposed program and annual rate by placing a mark in the corresponding box.
- 2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid and will not be counted.
- 3. Mail or personally deliver your completed ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
- 4. Ballot(s) must be <u>received</u> by the City Clerk prior to the close of the Public Hearing to be held on <u>Tuesday</u>, <u>January 13</u>, <u>2015</u>, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

~	A check mark substantially inside a box;
X	An X mark substantially inside a box;
•	A dot or oval mark substantially inside a box;
	A completely shaded or filled mark substantially inside a box;
\mathbb{X}	A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or
A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time <u>prior</u> to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>.

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE Adopted by the City Council on January 10, 2006

LEVEL 1	LEVEL II
NPDES Administration	Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance
(Not covered by CSA 152)	
Costs associated with personnel, administration and	Costs associated with stormwater and non-stormwater
management of the storm water management program.	runoff monitoring, inspection of the project's site design,
Administrative tasks include development and filing of	source control and treatment control BMPs, evaluation of
various stormwater reports and data collection and	site stormwater compliance activities, review of site-
	specific technical reports and treatment control BMP
Level I is levied on all parcels conditioned for the NPDES	maintenance records.
Rate Schedule.	
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-	to an annual inflation factor based on the Los Angel
Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department	or All Urban Consumers, as published by the Departm
of Labor's Bureau of Labor Statistics	
Per Month Per Year	Per Month Per Year
PROPOSED PARCEL RATE \$2.67 \$32.00	PROPOSED PARCEL RATE \$12.58 \$151.00

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = (\$33.00 & \$158.00)

FY 2007/2008 - 3.1% = (\$34.00 & \$163.00)

FY 2008/2009 - 4.2% = (\$35.00 & \$170.00)

FY 2010/2011 - no change = (\$35.00 & \$170.00) FY 2009/2010 - no change = (\$35.00 & \$170.00)

FY 2011/2012 - 3.8% = (\$36.00 & \$176.00)

FY 2012/2013 - 2.7% = (\$37.00 & \$181.00)

FY 2013/2014 - 2.0% = (\$38.00 & \$185.00) rounded to the nearest dollar

FY 2014/2015 - 1.14% = (\$39.52 & \$186.49) Pursuant to City Council approval on June 10, 2014.

OFFICIAL MAIL BALLOT for Assessor's Parcel Numbers (APNs) 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, and 297-140-042

National Pollutant Discharge Elimination System (NPDES) Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APNs 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, and 297-140-042, <u>I approve</u> the NPDES Maximum Commercial/Industrial Regulatory Rate and services. For fiscal year (FY) 2014/15, the NPDES Maximum Commercial/Industrial Regulatory Rate is \$226.01 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the Riverside County property tax bill or included as a monthly charge on a utility bill. Beginning FY 2015/16, the maximum regulatory rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APNs 297-140-037, 297-140-038, 297-140-039, 297-140-040, 297-140-041, and 297-140-042, <u>I do not approve</u> the NPDES Maximum Commercial/Industrial Regulatory Rate and services. I understand that not approving the NPDES Maximum Commercial/Industrial Regulatory Rate to fund federally mandated NPDES Permit requirements may result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate will not be levied on the Riverside County property tax bill.

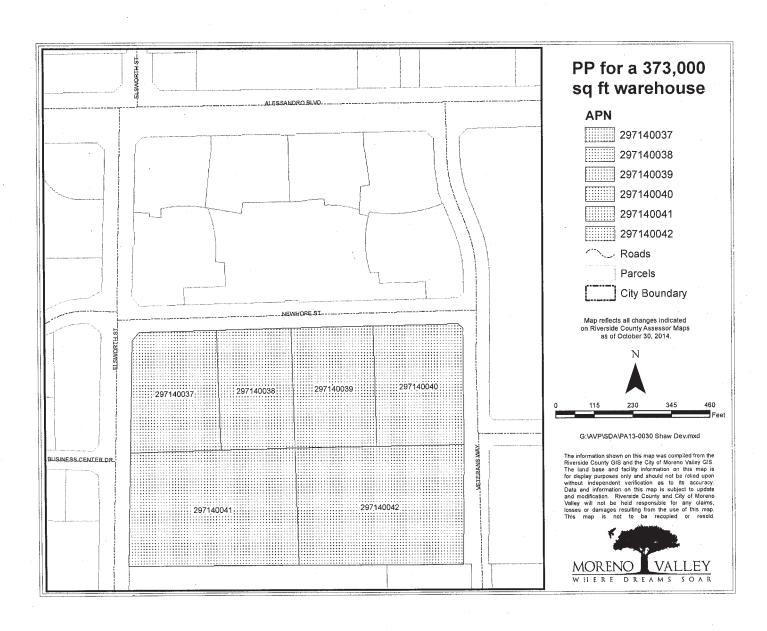
Assessor's Parcel Numbers	YES:	N©***	NPDES Waximum Commercial/Industrial Regulatory Rate
297-140-037 (and any division thereof)			\$226.01
297-140-038 (and any division thereof)			\$226.01
297-140-039 (and any division thereof)			\$226.01
297-140-040 (and any division thereof)			\$226.01
297-140-041 (and any division thereof)			\$226.01
297-140-042 (and any division thereof)			\$226.01

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on <u>January 13, 2015</u>, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called.

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Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope prior to the close of the January 13, 2015 Public Hearing

Item No. E.2



MORENO VALLEY
WHERE DREAMS SOAR

TEL: 951.413.3480 FAX: 951.413.3498 WWW.MOVAL.ORG 14331 Frederick Street, Suite 2 P. O. Box 88005 Moreno Valley, CA 92552-0805

Woodhaven Developers, Inc. c/o James R. Pickett 36875 Pauba Road Temecula, CA 92592 December 11, 2014

Subject: Rescheduling of the Public Hearing for the NPDES Mail Ballot Proceeding for Tentative

Parcel Map 36752

Dear Mr. Pickett:

The Public Hearing for the National Pollutant Discharge Elimination System (NPDES) mail ballot proceeding originally scheduled for January 13, 2015 has been rescheduled for January 27, 2015. Attached is a revised Notice to Property Owner listing the new date of the Public Hearing. All other mail ballot documents remain unchanged. If your ballot has already been returned, it will remain in the custody of the City Clerk until the January 27, 2015 Public Hearing.

If you have any questions regarding the rescheduling of the Public Hearing, please contact our office, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m. at 951.413.3480.

Sincerely,

Richard Teichert

Chief Financial Officer

Management Analyst

Enclosure

c: Candace Cassel, Special Districts Division Manager Jane Halstead, City Clerk

TEL: 951.413.3480

EAX: 951.413.3498

WWW.MOVAL.ORG

MORENO
WHERE DREA

14331 Frederick Street, Suite 2 P. O. Box 88005 Moreno Valley, CA 92552-0805

Woodhaven Developers, Inc. c/o James R. Pickett 36875 Pauba Road Temecula, CA 92592 December 11, 2014

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE FOR APN 292-100-010

***** OFFICIAL BALLOT ENCLOSED *****

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of Assessor's Parcel Number (APN) 292-100-010 the opportunity to express support for or opposition to the approval of the NPDES Maximum Commercial/Industrial Regulatory Rate and services. Approval of the NPDES Maximum Commercial/Industrial Regulatory Rate through a mail ballot proceeding will fulfill the Conditions of Approval to provide a funding source for the NPDES program.

Background

The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. The City provides the services necessary to meet mandates of the Federal Clean Water Act. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

Services Provided

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

How is the Amount of the Charge Determined?

Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owner.

Proposed Charge

For FY 2014/15, the NPDES Maximum Commercial/Industrial Regulatory Rate is \$226.01 per parcel. The total amount of the NPDES rates levied for FY 2014/15 for the program as a whole was \$439,115.06.

Annual Adjustment

Beginning in FY 2015/16, the NPDES Maximum Commercial/Industrial Regulatory Rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 292-100-010 (and any division thereof) and shall be placed on the Riverside County property tax bill or included as a monthly charge on a utility bill. The NPDES Maximum Commercial/Industrial Regulatory Rate will be levied each following year at the proposed rate, which includes an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.

Public Meeting	Public Hearing
Tuesday, December 9, 2014	Tuesday, January 27, 2015
6:00 P.M.	6:00 P.M.
(Or As Soon Thereafter As	(Or As Soon Thereafter As The
The Matter May Be Called)	Matter May Be Called)

Tabulation of returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if the Charge is Approved

Approval of the NPDES Maximum Commercial/Industrial Regulatory Rate will be confirmed if the ballot is marked in favor of the NPDES rate. Approving the NPDES Maximum Commercial/Industrial Regulatory Rate through a mail ballot proceeding will fulfill the Conditions of Approval to provide a funding source for the NPDES program.

Effect if the Charge is Not Approved

Not approving the NPDES Maximum Commercial/Industrial Regulatory Rate to meet federally mandated NPDES Permit requirements may result in noncompliance with the Conditions of Approval. If the returned ballot is marked opposing the NPDES rate, then the rate will not be levied on the property tax bill.

For More Information

If you have any questions about the proposed program, the annual rate, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a

Notice of Mail Ballot Proceeding for APN 292-100-010 December 11, 2014

Division of the Financial and Management Services Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m. at 951.413.3505 or via email at JenniferT@moval.org.

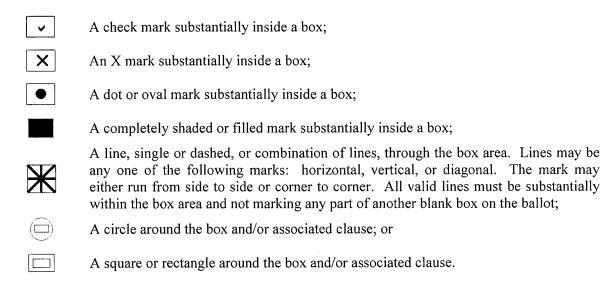
Completing Your Ballot

Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballot are also on file in the City Clerk's office.

- 1. Mark the enclosed ballot in support of or opposition to the proposed program and annual rate by placing a mark in the corresponding box.
- 2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted*.
- 3. Mail or personally deliver your completed ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
- 4. Ballot(s) must be <u>received</u> by the City Clerk prior to the close of the Public Hearing to be held on <u>Tuesday</u>, <u>January 27</u>, <u>2015</u>, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

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Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Notice of Mail Ballot Proceeding for APN 292-100-010 December 11, 2014

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time <u>prior</u> to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. <u>Initials</u> <u>must be clearly printed and placed at the right top corner of the revised selection</u>.

Tel: 951.413.3480 Fax: 951.413.3498 WWW.MOVAL.ORG



14331 Frederick Street. Suite 2 P. O. Box 88005 Moreno Valley, CA 92552-0805

Woodhaven Developers, Inc. c/o James R. Pickett 36875 Pauba Road Temecula, CA 92592 November 5, 2014

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE FOR APN 292-100-010

***** OFFICIAL BALLOT ENCLOSED *****

Introduction

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Background

The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. The City provides the services necessary to meet mandates of the Federal Clean Water Act. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

Services Provided

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

How is the Amount of the Charge Determined?

Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owner.

Proposed Charge

For FY 2014/15, the NPDES Maximum Commercial/Industrial Regulatory Rate is \$226.01 per parcel. The total amount of the NPDES rates levied for FY 2014/15 for the program as a whole was \$439,115.06.

Annual Adjustment

Beginning in FY 2015/16, the NPDES Maximum Commercial/Industrial Regulatory Rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 292-100-010 (and any division thereof) and shall be placed on the Riverside County property tax bill or included as a monthly charge on a utility bill. The NPDES Maximum Commercial/Industrial Regulatory Rate will be levied each following year at the proposed rate, which includes an annual inflation adjustment.

Public Hearing

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Effect if the Charge is Not Approved

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For More Information

If you have any questions about the proposed program, the annual rate, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a

Notice of Mail Ballot Proceeding for APN 292-100-010 November 5, 2014

Division of the Financial and Management Services Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m. at 951.413.3505 or via email at JenniferT@moval.org.

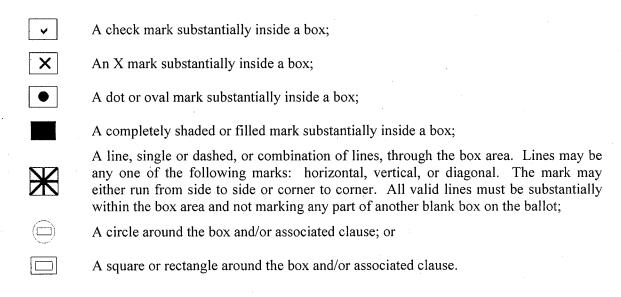
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Notice of Mail Ballot Proceeding for APN 292-100-010 November 5, 2014

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time <u>prior</u> to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. <u>Initials</u> must be clearly printed and placed at the right top corner of the revised selection.

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE Adopted by the City Council on January 10, 2006

LEVEL 1	LEVELII	
NPDES Administration	Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance	Control
(Not covered by CSA 152)		
Costs associated with personnel, administration and	Costs associated with stormwater and non-stormwater	stormwater
O	runoff monitoring, inspection of the project's site design,	ite design,
Administrative tasks include development and filing of	source control and treatment control BMPs, evaluation of	aluation of
various stormwater reports and data collection and	site stormwater compliance activities, review of site-	w of site-
	specific technical reports and treatment control BMP	ntrol BMP
Level I is levied on all parcels conditioned for the NPDES	maintenance records.	
Rate Schedule.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-	to an annual inflation factor based on the Los	s Angeles-
Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department	or All Urban Consumers, as published by the De	epartment
of Labor's Bureau of Labor Statistics		
Per Month Per Year	Per Month Per Year	er Year
PROPOSED PARCEL RATE \$2.67 \$32.00	PROPOSED PARCEL RATE \$12.58 \$	\$151.00

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = (\$33.00 & \$158.00)

FY 2007/2008 - 3.1% = (\$34.00 & \$163.00)

FY 2008/2009 - 4.2% = (\$35.00 & \$170.00)

FY 2009/2010 - no change = (\$35.00 & \$170.00)

FY 2010/2011 - no change = (\$35.00 & \$170.00) FY 2011/2012 - 3.8% = (\$36.00 & \$176.00)

FY 2012/2013 - 2.7% = (\$37.00 & \$181.00)

FY 2013/2014 - 2.0% = (\$38.00 & \$185.00) rounded to the nearest dollar

FY 2014/2015 - 1.14% = (\$39.52 & \$186.49) Pursuant to City Council approval on June 10, 2014.

OFFICIAL MAIL BALLOT for Assessor's Parcel Number (APN) 292-100-010

National Pollutant Discharge Elimination System (NPDES) Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APN 292-100-010, I approve the NPDES Maximum
Commercial/Industrial Regulatory Rate and services. For fiscal year (FY) 2014/15, the NPDES
Maximum Commercial/Industrial Regulatory Rate is \$226.01 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the Riverside County property tax bill or included as a monthly charge on a utility bill. Beginning FY 2015/16, the maximum regulatory rate will be subject to an annual adjustment based on the percentage change calculated
for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The
City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.
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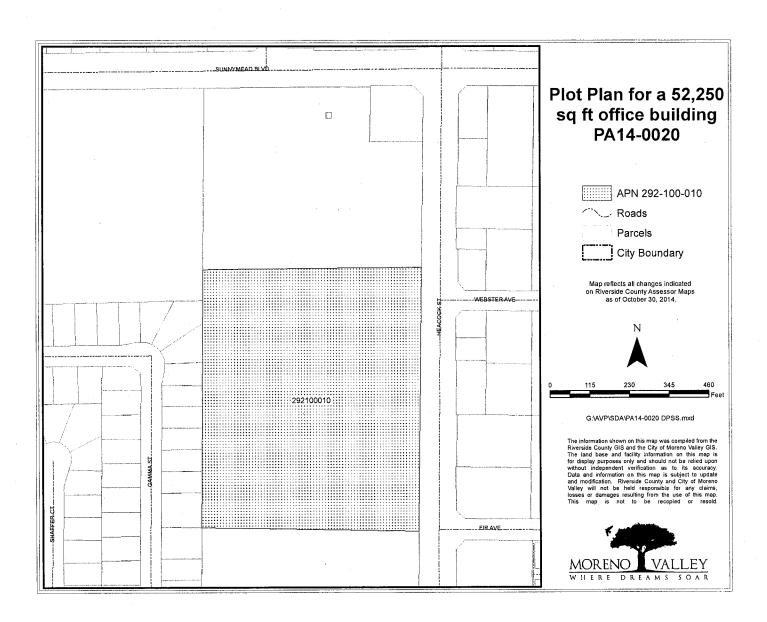
NO** — as property owner of APN 292-100-010, <u>I do not approve</u> the NPDES Maximum Commercial/Industrial Regulatory Rate and services. I understand that not approving the NPDES Maximum Commercial/Industrial Regulatory Rate to fund federally mandated NPDES Permit requirements may result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate will not be levied on the Riverside County property tax bill.

		NPDES Maximum
Assessor's Parcel Number	TX YES" NO"	Commercial/Industrial
		Regulatory Rate
292-100-010 (and any division thereof		\$226.01

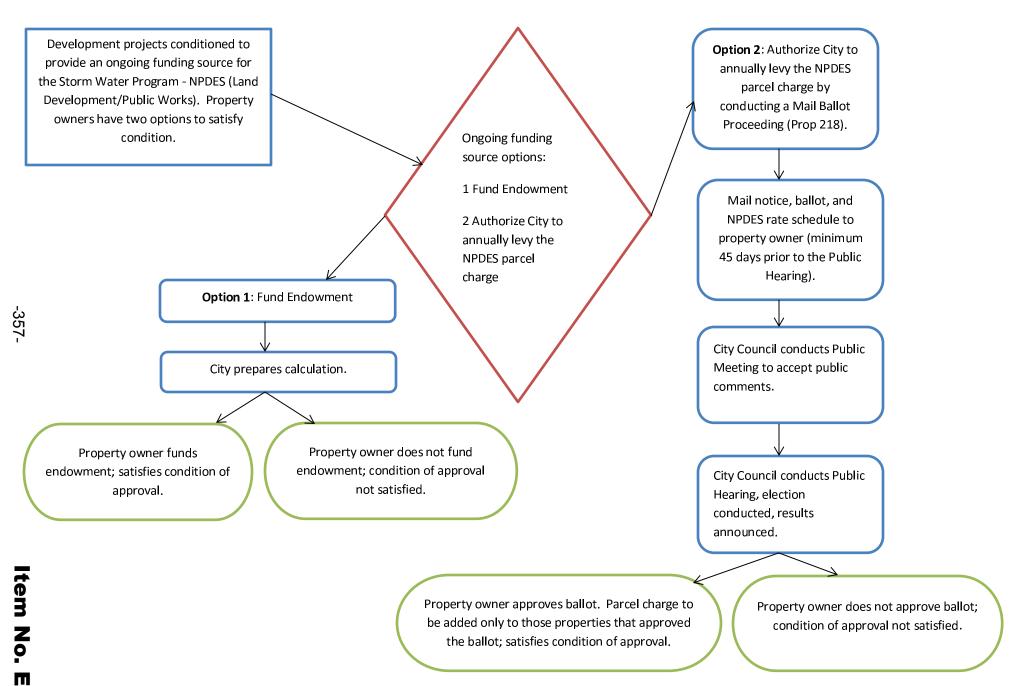
This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on <u>January 13, 2015</u>, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called.

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F	PR	OP	ER'	TY (NWC	IER	SIG	NAT	URE		Ē)AT	E	

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope prior to the close of the January 13, 2015 Public Hearing



Process Flow for Property Owners/Developers to Satisfy Funding Requirement for the Storm Water Program



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APPROVALS	
BUDGET OFFICER	A.
CITY ATTORNEY	8MB
CITY MANAGER	D

Report to City Council

TO: Mayor and City Council

FROM: Allen Brock, Interim Community & Economic Development Director

AGENDA DATE: January 27, 2015

TITLE: A PUBLIC HEARING FOR AN APPEAL OF THE PLANNING

COMMISSION ACTION OF DECEMBER 11, 2014, APPROVING CONDITIONAL USE PERMIT (PA14-0014), TENTATIVE TRACT MAP 36708 (PA14-0015) AND THE SUPPORTING MITIGATED NEGATIVE DECLARATION FOR A 122 UNIT PLANNED UNIT DEVELOPMENT (PUD) ON 15.92 ACRES AT THE SOUTHWEST

CORNER OF PERRIS BOULEVARD AND CACTUS AVENUE.

RECOMMENDED ACTION

Recommendations: That the City Council:

 Approve Resolution No. 2015-02. A Resolution of the City Council of the City of Moreno Valley, California, Denying the Appeal and Sustaining the Decision of the Planning Commission to Approve Conditional Use Permit (PA14-0014), Tentative Tract Map 36708 (PA14-0015), and the Supporting Mitigated Negative Declaration for a 122 Unit Planned Unit Development (PUD) on 15.92 Acres at the Southwest Corner of Perris Boulevard and Cactus Avenue (Assessor Parcel Numbers 482-582-038, 039, 040 & 482-230-024).

OR

 Approve Resolution No. 2015-03. A Resolution of the City Council of the City of Moreno Valley, California, Approving the Appeal and Overruling the Decision of the Planning Commission to Approve Conditional Use Permit (PA14-0014), Tentative Tract Map 36708 (PA14-0015), and the Supporting Mitigated Negative Declaration for a 122 Unit Planned Unit Development (PUD) on 15.92 Acres at the Southwest Corner of Perris Boulevard and Cactus Avenue (Assessor Parcel Numbers 482-582-038, 039, 040 & 482-230-024).

SUMMARY

The City Council has been requested to conduct a Public Hearing on an Appeal filed December 22, 2014 against the Planning Commission actions of December 11, 2014 approving a conditional use permit, tentative tract map and the supporting mitigated negative declaration for a new 122 unit residential development planned for the southwest corner of Cactus Avenue and Perris Boulevard by Nova Homes, Inc. As set forth in the City's Municipal Code, upon filing of an appeal the mater shall be set for a public hearing by the City Council and shall be given appropriate public noticing as required by law. Upon consideration, the City Council may sustain, modify, reject or overrule any actions or rulings of the Planning Commission.

DISCUSSION

ADVISORY BOARD/COMMISSION RECOMMENDATION

The Planning Commission at its December 11, 2014 meeting approved Planning Commission Resolution 2014-29 by a 6-0 vote, with one Commissioner seat vacant, adopting a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (PA14-0014) and Tentative Tract Map 36708 (PA14-0015) for a new 122 unit Planned Unit Development at the southwest corner of Cactus Avenue and Perris Boulevard.

In accordance with procedures set forth in Title 9 of the City's Municipal Code (Sec 9.02.240) any affected person may appeal a decision of the Planning Commission to the City Council. An appeal of the Planning Commission action to the City Council was received by the City from Lori and Randy Nickel on December 22, 2014. A copy of the Appeal letter in included as Attachment 1 to this report.

Background

At the December 11, 2014 Planning Commission meeting, the commissioners received a detailed written staff report (Attachment 5), a verbal staff presentation including supporting exhibits, and verbal input from the applicant with regard to the proposed project, processing overview and the recommended actions. During the course of the deliberation the Commission had questions and requested clarification on elements of the project including the perimeter walls, water quality features, setbacks, development regulations for patio covers and decks, and landscaping requirements. The clarifying information for each question was provided by staff and the project applicant.

During public comments portion of the public hearing, two speakers, including the appellant, spoke against the project. The appellant, who resides immediately adjacent to the project site raised questions with regard to traffic, location of the project's main entrance off of Cactus Avenue, the design and size of the proposed homes, loss of view and alleged improper early removal of mature trees from the project site. A letter was

also submitted to the Planning Commission from this speaker (Attachment 6). The second speaker raised concern with the location of the proposed project perimeter wall along the western property line. It was specifically noted that the current perimeter fencing of the existing adjacent tract of homes is located at the top of those homes' rear slope, not at their actual property line, which occurs several feet outside of the fence line near the toe of the slope and towards the proposed project site. The speaker was concerned that the proposed new development's perimeter wall would effectively create an alley condition between their perimeter fence and project's perimeter fencing, creating an undesirable condition where students of the adjacent schools could cut through. After additional discussion with staff and the applicant regarding the project and the issues raised, the Planning Commission took actions to approve the project.

Project Overview

The project consists of two applications. Tentative Tract Map 36708 (PA14-0015) merges approximately 15.92 acres of land from four separate lots (APNs: 482-582-038, 039, 040 & 482-230-024) into one parcel for condominium purposes for 122 residential units. The second application is a Conditional Use Permit (PA14-0014) for a Planned Unit Development (PUD) that establishes design standards for the condominium complex and the development regulations for the private and common open space recreational opportunities. The project details are provided in the attached Planning Commission staff report (Attachment 5).

Appeal Overview

The following is a summary of the issues raised by the Appellant and staff's evaluation of each:

1. Concern with a traffic study waiver and traffic conditions at the project's main entrance due to proximity to the corner of Cactus Avenue and Perris Boulevard.

Requirements for traffic studies are provided in the Public Works – Transportation Engineering guidelines. A traffic study was not required for the project as at 122 units it does not generate sufficient vehicular trips to trigger the threshold for a traffic study listed in the guidelines.

On and off-site traffic operational conditions were considered at the interface of the project with each of the adjacent arterials. As demonstrated on the map and PUD plans, the main entrance to the site is laid out to meet Public Works – Transportation Engineering guidelines including sufficient queuing area off of Cactus Avenue to be provided (40 feet). Conditions of approval TE1, TE2, TE3, TE4, and TE5 are included in the approving Resolution to ensure the project will be constructed in accordance with city interests.

2. Concerns with the design and size of the proposed homes. Also concerns with the loss of view as the proposed homes are all two story.

The submitted PUD home plans were reviewed through an appropriate plan check process and found to be consistent with the City's Design Guidelines. The project will include five (5) footprints and three (3) optional elevations for each. The footprints and elevations do demonstrate that each unit is expected to be a two story home and will range between 2,054 and 2,696 square feet in size. The proposed home plans provide design elements that would establish an attractive neighborhood, and were found to be considerate and compatible with adjoining and nearby properties.

3. The early removal of mature olive trees from the project site.

It is true that an unknown number of existing mature olive trees were removed from the site prior to submittal of the project application to the City. With regard to project sites with mature trees, Municipal Code Chapter 9.17.030 (Landscape and irrigation design standards) outlines strategies to preserve trees to the greatest extent possible including preservation in-place and transplantation on the site. If trees must be removed the Code requires that any removal of existing trees with four-inch or greater trunk diameters (calipers) to be replaced at a three to one ratio, with minimum twenty-four (24) inch box size trees of the same species, or a minimum thirty-six (36) inch box for a one to one replacement. Unfortunately, as the trees were removed early, there was no opportunity to apply any of the various strategies outlined in the Code. However, it is noted that the project has been conditioned (P21, P22) to provide landscaping plans to ensure the project is developed and maintained in accordance with City Landscape standards. The City standards require a tree calculation sheet, which will ensure adequate tree planting throughout the project.

4. The project was approved with no clear understanding of the adjacent school (Chaparral Hills Elementary School) and extensive drainage culvert along its north edge, running east then south to Delphinium Avenue, which is the western boundary of the project.

Upon submittal of the project applications the plans were routed for review by all typically interested parties including various outside agencies, and specifically distribution to Moreno Valley Unified School District. No comments were received from the District during the project review period. In addition, the public noticing for the project included notification to the District, and again no comments, questions or other form of correspondence was received back from the District. The proposed project does not extend into any school property or into the adjacent drainage culvert referenced in the appeal. The project does not warrant or require any off-site improvements to these facilities.

5. The Initial Study appears to omit on-road emissions associated with hauling of imported fill. The noise analysis appears to indicate that assumptions for truck

volumes were reduced from observed conditions based on generalized Riverside County data.

Crable & Associates, Environmental Consultants used the CalEEMod, a statewide land use emissions computer model designed to provide a uniform platform to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from land use projects, for its Air Quality Analysis in early 2014. Some changes to the project site plan and preliminary grading plan were made after the study was completed. The consultant reran the modeling the results still demonstrated no significant impact to the air quality.

The consultant has verified that the Initial Study and related Noise Study performed were based on observed field data, which showed fewer trucks than the generalized Riverside County data.

6. Concerned that the project is located in a flood hazard zone and would require pad elevations to be raised higher than neighboring homes.

Staff verified that the project is located in FEMA Zone X, which is defined as "areas determined to be outside of the 0.2% annual chance floodplain."

7. Issues with the proposed drainage ditch along the western property line that will create a "no-man's land" between the existing fences and the new perimeter block wall, especially in regards to maintenance of this area.

The property, "no-man's land," that could result from the project is acknowledged, however, it is noted that it is not the projects perimeter wall that creates this condition but rather the existing placement of fences on the adjacent properties, which has resulted in portions of those properties to extend on the outside of their fenced yards. It has been brought to staff's attention by the appellant that they and the developer are exploring opportunities to address this issue.

ENVIRONMENTAL

An Initial Study was prepared by Crable & Associates, Environmental Consultants in February 2014 and supports the recommended environmental finding that a mitigated negative declaration is appropriate for this project (Attachment 4). With the adoption of the Mitigated Negative Declaration (MND) and identified mitigation measures, all potential impacts can be reduced to a less than significant level.

A Mitigation Monitoring Program has been prepared for the project to clarify the specific mitigations, timing, and responsible party for implementation and monitoring of each measure (Attachment 8).

ALTERNATIVES

- Approve proposed Resolution denying the appeal and sustaining the decision of the Planning Commission to approve PA14-0014 (CUP) and PA14-0015 (Tentative Tract Map 36708) and the supporting Mitigated Negative Declaration for the development of a 122 unit Condominium Complex on 15.92 acres proposed at the southwest corner of Perris Boulevard and Cactus Avenue. Staff recommends this alternative.
- 2. Approve proposed Resolution finding in favor of the appeal and overruling the decision of the Planning Commission to approve PA14-0014 (CUP) and PA14-0015 (Tentative Tract Map 36708) for the development of a 122 unit Condominium Complex on 15.92 acres proposed at the southwest corner of Perris Boulevard and Cactus Avenue. Staff does not recommend this alternative.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

A notice of the City Council public hearing appeared in the Press Enterprise newspaper on January 7, 2015, was posted on the affected property January 17, 2015 and was mailed to all surrounding property owners of record within 300 feet of the affected property on January 14, 2015 (Attachment 1). As of the date of preparation of this staff report, there have been no responses received.

ATTACHMENTS

- 1. Public Hearing Notice
- 2. Proposed Resolution
- 3. Proposed Resolution
- 4. Appeal Letter from the Appellant dated December 22, 2014
- 5. Planning Commission Staff Report dated December 11, 2014
- 6. Letter from Lori Nickel to Planning Commission dated December 11, 2014
- 7. Initial Study
- 8. Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program
- 9. Draft Planning Commission Minutes of December 11, 2014
- 10. Reduced Site Plan
- 11. Reduced Copy of Tentative Tract Map No. 36708
- 12. Reduced Copy of Conceptual Landscaping
- 13. Reduced Elevations
- 14. Aerial Photograph

15. Continuation Request from Nova Homes dated January 8, 2015

16. Continuation Request from Lori Nickel dated January 12, 2015

Prepared By: Claudia Manrique Associate Planner Department Head Approval: Allen Brock Interim Community & Economic Development Director

Concurred By: Richard J. Sandzimier Planning Official This page intentionally left blank.



Notice of PUBLIC HEARING

This may affect your property. Please read.

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

Project(s): Appeal of Planning Commission Approval of PA14-0014 (CUP) and PA14-0015 (TTM 36708)

Applicant: Nova Homes

Owner: Perris-Cactus Development LLC

Representative: Nova Homes

APN(s): 482-582-038, 039, 040 & 482-230-024 **Location:** Southwest corner of Perris Boulevard &

Cactus Avenue

Proposal: Appeal of the Planning Commission actions of December 11, 2014, approving Conditional Use Permit (PA14-0014) and Tentative Tract Map 36708 (PA14-0015) for a 122 Unit Planned Unit Development (PUD) on 15.92 acres including a club house and pool.

Council District: 4

Case Planner: Claudia Manrique

The City of Moreno Valley, in accordance with the California Environmental Quality Act, prepared an initial study for the project and based on the initial study determined the project would not have any significant effect on the environment that could not be avoided or reduced to less than significant. The Planning Commission adopted a Mitigated Negative Declaration, and approved the Conditional Use Permit and Tentative Tract Map 36708 for the project on December 11, 2014.

Any person interested in the project may enter verbal comments in support or in opposition to the project at the City Council hearing or provide written comments or testimony at or prior to the hearing. The written appeal, as well as the project application and environmental documents are available for public review at the Community & Economic Development Department at 14177 Frederick Street, Moreno Valley, California during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday), or you may telephone (951) 413-3206 for further information.

If you challenge this project in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.



LOCATION NØ

CITY COUNCIL HEARING

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

DATE AND TIME: January 27, 2015 at 6 PM

CONTACT PLANNER: Claudia Manrique

PHONE: (951) 413-3225

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RESOLUTION NO. 2015-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DENYING THE APPEAL AND SUSTAINING THE DECISION OF THE PLANNING COMMISSION TO APPROVE CONDITIONAL USE PERMIT (PA14-0014), TENTATIVE TRACT MAP 36708 (PA14-0015), AND THE SUPPORTING MITIGATED NEGATIVE DECLARATION FOR A 122 UNIT PLANNED UNIT DEVELOPMENT (PUD) ON 15.92 ACRES AT THE SOUTHWEST CORNER OF PERRIS BOULEVARD AND CACTUS AVENUE (ASSESSOR PARCEL NUMBERS 482-582-038, 039, 040 & 482-230-024).

WHEREAS, the applicant, Nova Homes Inc., filed a Conditional Use Permit (PA14-0014,) and Tentative Tract Map 36708 (PA14-0015) for a 122 unit Planned Unit Development (PUD) at the southwest corner of Perris Boulevard and Cactus Avenue as described in the title of this Resolution; and

WHEREAS, on December 11, 2014, a public hearing was conducted by the Planning Commission in accordance with applicable law; and

WHEREAS, an environmental assessment, including an Initial Study, has been prepared to address the environmental impacts associated with Conditional Use Permit (PA14-0014,) and Tentative Tract Map 36708 (PA14-0015) and a Mitigated Negative Declaration has been recommended pursuant to the California Environmental Quality Act (CEQA), as there is no evidence that the proposed development application, as designed and conditioned, will have a significant effect on public health or be materially injurious to surrounding properties or the environment as a whole; and

WHEREAS, at said public hearing, the Planning Commission carefully reviewed and considered all the evidence presented in connection with the hearing on the project, including but not limited to the staff report, all written and oral testimony presented, and voted 6-0, with one Commissioner seat vacant, to approve the subject project; and

WHEREAS, on December 22, 2014, Mrs. Lori Nickel and Mr. Randy Nickel ("Appellant") filed an appeal with the Community & Economic Development Department, pursuant to Chapters 9.02.240 and 9.14.050 of the Municipal Code, of the Planning Commission's decision to approve the proposed project at the southwest corner of Perris Boulevard and Cactus Avenue; and

WHEREAS, on January 27, 2015 a public hearing on the appeal was held by the City Council in accordance with applicable law; and

WHEREAS, the City Council of the City of Moreno Valley has carefully reviewed and considered all of the evidence presented in connection with the appeal hearing on the project, including, but not limited to the staff report and all written and oral testimony presented; and

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

WHEREAS, all of the facts set forth in this Resolution are true and correct.

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY RESOLVE AS FOLLOWS:

1. Pursuant to Sections 9.02.060 and 9.14.050 of the Moreno Valley Municipal Code, the Approving Body is required to make certain findings when approving a Conditional Use Permit, Tentative Tract Map 36708 application and the supporting mitigated negative declaration. The City Council action confirms the findings in Planning Commission Resolution 2014-29 of December 11, 2014.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2015-02 denying the appeal and upholding the decision of the Planning Commission to approve PA14-0014 (CUP), PA14-0015 (TTM 36708), and the supporting mitigated negative declaration for the development of a 122 unit Condominium Complex on 15.92 acres located on the southwest corner of Perris Boulevard and Cactus Avenue; subject to the attached conditions of approval included as Exhibit A, HEREBY APPROVING the project.

APPROVED AND ADOPTED this 27th day of January 2015.

ATTEST:	Mayor
City Clerk	
APPROVED AS TO FORM:	
City Attorney	

RESOLUTION JURAT

STATE OF CALIFORNIA)	
COUNTY OF RIVERSIDE) ss.	
CITY OF MORENO VALLEY)	
certify that Resolution No. 2015-	erk of the City of Moreno Valley, California, do hereby 02 was duly and regularly adopted by the City Council regular meeting thereof held on the 27th day of January,	
AYES:		
NOES:		
ABSENT:		
ABSTAIN:		
(Council Members, Mayor Pro Tem and Mayor)		
CITY CLERK		
(SEAL)		

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CITY OF MORENO VALLEY CONDITIONS OF APPROVAL PA14-0014 CONDITIONAL USE PERMIT (CUP) FOR A PLANNED UNIT DEVELOPMENT (PUD) AND PA14-0015 TENTATIVE TRACT MAP 36708 APN(s): 482-582-038, 039, 040 & 482-230-024

APPROVAL DATE: January 27, 2015 EXPIRATION DATE: January 27, 2018

X Planning (P), including School District (S), Post Office (PO), Building (B)

X Fire Prevention Bureau (F)

X Public Works, Land Development (LD)

X Public Works, Special Districts (SD)

X Public Works – Transportation Engineering (TE)

X Police (PD)

X Moreno Valley Utilities

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

For questions regarding any Planning condition of approval, please contact the Planning Division at (951) 413-3206.

- P1. Conditional Use Permit (PA14-0014) is an approval for a Planned Unit Development (PUD) for a 122 unit condominium complex with a community clubhouse, playground and pool at the southeast corner of Cactus Avenue and Perris Boulevard (APNs: 482-582-038, 039, 040 & 482-230-024). A change or modification shall require separate approval.
- P2. Tentative Tract Map 36708 (PA14-0015) for a one parcel map with 122 residential lot areas as well as HOA maintained lots, water quality features and common open space areas per the approved plans. A change or modification shall require separate approval. Development of the Planned Unit Development (PUD) is subject to approval of Tentative Tract Map 36708 (PA14-0015) and the subsequent recordation of this map.

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

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

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

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

SBM - Subdivision Map Act

- P3. The approval for PA14-0014 (CUP) and PA14-0015 (TTM 36708) shall expire three years after the approval date of these projects 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)
- P4. The site shall be developed in accordance with the approved plans on file in the Community & Economic 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)
- P5. 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)
- P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P7. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
- P8. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Prior to Issuance of Grading Permits

- P9. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P10. 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)

- P11. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Planning Division for review and approval.
- P12. (GP) Within thirty (30) days prior to any grading or other land disturbance, a preconstruction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan.
- P13. The owner or owner's representative shall establish and maintain a relationship with the City of Moreno Valley and cooperate with the Problem Oriented Policing (POP) program, or its successors.
- P14. (GP) Decorative pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses with open space and parking and the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
- P15. (GP) Prior to the issuance of building permits, the site plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project.
- P16. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - A. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas as well as along street frontage (Cactus Avenue, Perris Boulevard and Delphinium Avenue) and the detention basin.
 - B. A maximum 6 foot high solid decorative block wall is required on all corner lots within the PUD.
 - C. Internal fencing between units will be a poly-vinyl fencing material.
 - 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.

PRIOR TO BUILDING PERMITS

P17. (BP) Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and

incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30, DG)

- P18. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building lighting, shall be submitted to the Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed one-quarter foot-candle minimum maintained lighting measured from within five feet of any property line.
- P19. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multiple Species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)
- P20. (BP) Prior to issuance of building permits, for multiple-family projects that will be phased, a phasing plan submitted to the Planning Division will be required if occupancy is proposed to be phased.
- P21. (BP) Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and shall include:
 - A. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
 - B. Street trees shall be provided every 40 feet on center in the right of way.
 - C. Enhanced landscaping shall be provided at all driveway entries and street corner locations
 - D. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.
 - E. All site perimeter, detention basin and open space landscaping and irrigation shall be installed prior to the release of certificate of any occupancy permits for the PUD.
- P22. Prior to the issuance of building permits, landscape and irrigation plans for areas maintained by the Homeowner's Association shall be submitted to the Planning

Division. All landscape plans shall be approved prior to the release of any building permits for the site. The plans shall be prepared in accordance with the City's Landscape Development Guidelines. Landscaping is required for the sides and or slopes of all water quality basin and drainage areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters or other fence or wall approved by the Planning Official is required to secure all water quality and detention basins.

PRIOR TO RECORDATION OF FINAL MAP

- P23. (R) Prior to recordation, the developer shall grant a conservation easement(s) to the City for the preservation of the areas designated as open space.
- P24. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
 - a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, open space use restrictions, conservation easements, water quality basins, lighting, landscaping and common area use items such as exercise stations, public seating areas and other recreation facilities. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- The developer and the Isla Verde Planned Unit Development Guidelines and/or homeowners association shall promote the use of native plants and trees and drought tolerant species to the extent feasible.
- (R) All lots designated for open space and, or basins, shall be dedicated to and maintained by a Homeowners Association (HOA). The HOA shall contract with a private maintenance entity or establish a funding mechanism approved by the City in a maintenance agreement for City maintenance.

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.

- All reverse frontage property and public right-of-way landscape areas, shall be maintained by a Homeowners Association (HOA) or through a property owner funded landscaping district as maintained by the City. 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.
- Maintenance of any and all common facilities.
- A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas except on the maintenance road and access driveways for the water quality basins.

PRIOR TO CERTIFICATE OF OCCUPANCY

- P25. (CO) Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed. (DC 9.03.040)
- P26. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).
- P27. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be inspected by the Planning Division. All on-site and common area landscaping shall be installed in accordance with the City's Landscape Standards and the approved project landscape plans and all site clean-up shall be completed.

MITIGATION MEASURES

P28. AQ-1: Painting and surface coating shall be limited to an aggregate area of no more than 25,000 square feet per day during any phase of construction; or Paints and surface coatings shall be limited to a VOC content of no more than 30 milligrams per liter of VOC content.

- P29. AQ-2: Any hearth, stove, or fireplace designed to burn wood shall be omitted or replaced with a unit designed to burn only natural gas.
- P30. AQ-3: During site preparations, the contractor shall water the construction site a minimum of three times per day, rather than twice per day as required under Rule 403 (SCAQMD to prevent, reduce or mitigate fugitive dust emissions).
- P31. AQ-4: During site preparations, the contractor shall specify that all dozers use a minimum of Level 2 diesel particulate filters.
- P32. BIO-1: A burrowing owl pre-construction survey shall be conducted by a qualified biologist within 30 days prior to ground disturbance to avoid impacts to the species. Should burrowing owls and/or occupied nests be detected on the property, the nests will be avoided and protective measures as recommended by the qualified biologist will be implemented.
- P33. BIO-2: Within 30 days prior to ground disturbance, a pre-construction survey of any shrubs on-site shall be conducted by a qualified biologist to determine if any migratory bird nests exist and are occupied. Should occupied nests be detected on the property, the nests will be avoided and protective measures as recommended by the qualified biologist will be implemented.
- CULT-1: In the event that prehistoric or historic archaeological resources (e.g., bottles, foundations, refuse dumps, Native American artifacts, etc.) are unearthed during ground-disturbing activities, the Applicant shall halt or redirect grounddisturbing activities away from the vicinity of the find so that the find can be evaluated by a qualified archaeologist. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by an archaeologist. The Applicant shall coordinate with the archaeologist and the City to develop an appropriate treatment plan for the resources if they are determined to be potentially eligible for the California Register or potentially qualify as unique archaeological resources pursuant to CEQA. Treatment may include implementation of archaeological data recovery excavations to remove the resource or preservation in place or avoidance. The archaeologist shall prepare a report regarding the find and its treatment effort that shall be submitted by the Applicant to the City, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and the required mitigation measures. The report shall include a description of resources unearthed, if any, treatment of the resources, and evaluation of the resources with respect to the California Register. The Applicant, in consultation with the archaeologist and the City shall designate repositories meeting State standards in the event that archaeological material is recovered.

- Project material shall be curated in accordance with the State Historical Resources Commission's Guidelines for Curation of Archaeological Collections.
- P35. CULT-2: If construction excavations would encounter the fossiliferous Pleistocene alluvial sediments that are located at an unknown depth within the Project site, a qualified shall be retained by the Applicant. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified Paleontologist shall supervise a paleontological monitor who shall be present during construction excavations into Pleistocene alluvial sediments. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring inspections shall be determined by the Paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.
- P36. CULT-3: If a potential fossil is found, the Paleontological Monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the Paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing.
- P37. CULT-4: Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the San Bernardino County Museum or the Western Science Center. Accompanying notes, maps, and photographs shall also be filed at the repository.
- P38. CULT-5: Following the completion of the above measures, the Paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Project Applicant to the lead agency, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.
- P39. CULT-6: If human remains are encountered unexpectedly during implementation of the proposed project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has

24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the land owner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the land owner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment. Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

- P40. N-1: At a minimum the structures that back along Perris Boulevard and Cactus Avenue shall be constructed with batten insulation in the exterior walls. Alternatively, these structures could be of masonry construction negating this requirement.
- P41. N-2: All exterior fittings that enter these structures (e.g., electrical conduits, HVAC ducts) are to be sealed with caulk such that the fittings are rendered as air-tight. Any metal duct-work that is exposed to the exterior environment shall be enclosed and insulated to avoid noise transference through the ducting.
- P42. N-3: The Applicant shall provide these structures with forced air ventilation designed and installed in accordance with the California Uniform Building Code.
- P43. N-4: The Applicant shall specify a minimum STC rating of 32 and 33 for all first and second story, respectively, window and/or door assemblies, that have a view

toward Perris Boulevard (east facing) These windows and/or doors are to be well fitting with vinyl (or equivalent) gaskets that form an air tight fitting.

- P44. N-5: The Applicant shall specify a minimum STC rating of 28 and 32 for all first and second story, respectively, window and/or door assemblies that have a view toward Cactus Avenue (north facing) These windows and/or doors are to be well fitting with vinyl (or equivalent) gaskets that form an air tight fitting.
- P45. N-6: The Applicant shall abide by any other measures set forth by the City of Moreno Valley Planning Department for noise mitigation.

Building and Safety Division

- B1. New buildings/structures shall comply with the current California Building Standards Code (CBC, CEC, CMC, CPC and Green Building Standards) as well as City ordinances. Plans shall be submitted to the Building and Safety Division as a separate submittal and shall include a soils report at time of first submittal. Beginning on January 1, 2014, the 2013 CBC will become effective for all new building permit applications.
- B2. Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, as a portion of the building or demolition permit process.
- B3. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- B4. The proposed new development may be subject to the payment of development fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

FIRE PREVENTION BUREAU

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. 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 force at the time of building plan submittal.
- F2. 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 1500 GPM 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). Fire sprinklers shall be installed throughout this project. The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 ½" x 2 ½") and super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 507.5.7 & MVMC 8.36.060 Section K, L)
- F4. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MV City Standard Engineering Plan 422 a, b, c)

- F5. 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)
- F6. Each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
- F7. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CFC 503.2, MVMC 9.15.030)
- F8. 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)
- F9. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MV City Standard Engineering Plan 108d)
- F10. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty–four (24) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
- F11. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
- F12. 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)
- F13. 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)

- F14. 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)
- F15. 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)
- F16. Prior to construction, "private" driveways over 150 feet in length, dead end roadways, and streets which have not been completed shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503,and MVMC 8.36.060, CFC 501.4)
- F17. Prior to issuance of Certificate of Occupancy, all residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be located consistently on each dwelling throughout the development. The numerals shall be no less than four (4) inches in height and shall be low voltage lighted fixtures. (CFC 505.1, MVMC 8.36.060[I])
- F18. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. 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)
- F19. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F20. 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])
- F21. 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.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3)

- F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.
- F23. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105, MVMC 8.36.100[A])
- F24. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, to the Fire Prevention Bureau.
- F25. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 33 & CBC Chapter 33)
- F26. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 105)

- F27. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 105)
- F28. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 105)
- F29. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.8)
- F30. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC 102.3)
- F31. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.
- F32. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
- All fire lanes shall be a minimum of 24 feet wide with no street parking allowed, if street parking is preferred, then the streets shall be made wider to accommodate it.

CITY OF MORENO VALLEY PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION **CONDITIONS OF APPROVAL**

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department - Land Development Division.

General Conditions

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)
- LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.
- LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)
- LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to

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meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

- LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.
- LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
 - (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Public Works Department.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

- LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)
- LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
- LD9. (G) For single family residential subdivisions, all lots shall drain toward the street unless otherwise approved by the City Engineer. Residential lot drainage to the street shall be by side yard swales and include yard drain pipes and inlet grates (or stubbed and capped if area is not yet landscaped) that convey flows to the street in accordance to City Standard No. 303 independent of adjacent lots. No over the sidewalk drainage shall be allowed, all drainage shall be directed to a driveway or drainage devices located outside the right-of-way. (MC 9.14.110)
- LD10. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.
- LD11. (G) Water quality basins designed to meet Water Quality Management Plan (WQMP) requirements for single-family residential development may not be used as a construction best management practice. The water quality basin shall be maintained for the entire duration of project construction and be used to treat runoff from those developed portions of the project. The water quality basin shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. The water quality basin shall be graded per the approved design drawings and once landscaping and irrigation has been installed, it and its maintenance shall be turned over to an established Homeowner's Association.
- LD12. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan

sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD13. (G) Upon approval of the tentative tract map by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Grading Plan Approval or Grading Permit

- LD14. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD15. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
 - a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
 - d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
 - e. The developer shall submit a soils and geologic report to the Public Works Department Land Development Division. The report shall address the soil's stability and geological conditions of the site.
- LD16. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where

National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

- LD17. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.
- LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:
 - a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas:
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
 - d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

- LD20. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.
- LD21. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
- LD22. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.
- LD23. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD24. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.
- LD25. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.
- LD26. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
- LD27. (GP) Prior to issuance of a grading permit, if the project does not involve the subdivision of land and if the developer chooses to construct the project in construction phases, a Construction Phasing Plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer.

- LD28. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)
- LD29. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project. (MC 8.21.070)
- LD30. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the implementation and maintenance of erosion control measures required as a condition of approval of the project. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the City. (MC 8.21.160)
- LD31. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

- LD32. (MA) Prior to approval of the map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, the developer shall submit bylaws and articles of incorporation for review and approval as part of the maintenance agreement for any water quality basin.
- LD33. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD34. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

- LD35. (MR) Prior to recordation of the map, if the developer chooses to construct the project in construction phases, a Construction Phasing Plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California State Department of Real Estate.
- LD36. (MR) Prior to recordation of the map, if applicable, the developer shall have all street names approved by the City Engineer. (MC 9.14.090)
- LD37. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (NPDES) as mandated by the Federal Clean Water Act. Following are the requirements:
 - a. Establish a Home Owners Association (HOA) to finance the maintenance of the "Water Quality Ponds/Bio-swales". Any lots which are identified as "Water Quality Ponds/Bio-Swales" shall be owned in fee by the HOA.
 - Dedicate a maintenance access easement to the City of Moreno Valley for water quality inspections.
 - c. Execute a Stormwater Treatment Device and Control Measure Access and Maintenance Covenant between the City of Moreno Valley and the HOA. The maintenance agreement must be approved by City Council.
 - d. Establish a trust fund per the terms of the maintenance agreement.
 - e. Provide a certificate of insurance per the terms of the maintenance agreement.
 - Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation and maintenance monitoring evaluations, all in accordance with Resolution No. 2002-46.
 - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Residential NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process, or
 - ii. Establish an endowment to cover future maintenance costs for the Residential NPDES Regulatory Rate Schedule.
 - g. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. The final option selected shall be in place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)
- LD38. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds and/or Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by

a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD39. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Improvement Plan Approval or Construction Permit

- LD40. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD41. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)
- LD42. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.
- LD43. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.
- LD44. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:
 - a. Corner cutbacks in conformance with City Standard MVSI-165-0 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
 - b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)
 - c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

- d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees per City Standard No. MSVI-160A-0, or as approved by the City Engineer. (MC 9.14.020)
- All reverse curves shall include a minimum tangent of one hundred (100) e. feet in length.
- LD45. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.
- LD46. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.
- LD47. (IPA) Prior to approval of the improvement plans, the developer shall pothole to determine the exact location of existing underground utilities. The improvement plans shall be designed based on the pothole field investigation results. The developer shall coordinate with all affected utility companies and bear all costs of utility relocations.
- LD48. (IPA) Prior to approval of the improvement plans, all dry and wet utility crossings shall be potholed to determine actual elevations. Any conflicting utilities shall be identified and addressed on the plans. The pothole survey data shall be submitted with the street improvement plans for reference purposes.
- LD49. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.
- LD50. (IPA) Prior to approval of the improvement plans, drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

- LD51. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)
- LD52. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department Land Development Division. (MC 9.14.110)
- LD53. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)
- LD54. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.
- LD55. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.
- LD56. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD57. (BP) Prior to issuance of a building permit, if the project involves a residential subdivision, the map shall be recorded (excluding model homes). (MC 9.14.090)

- LD58. (BP) Prior to issuance of a building permit for non-subdivision projects, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD59. (BP) Prior to issuance of a building permit for non-subdivisions, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.
- LD60. (BP) Prior to issuance of a building permit for a non-subdivision project, the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)
- LD61. (BP) Prior to issuance of a building permit for this project, the developer shall obtain a permit from the Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection of the project's storm drain line connection to the Master Drainage Plan facilities.
- LD62. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.
- LD63. (BP) Prior to issuance of a building permit, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (NPDES) as mandated by the Federal Clean Water Act. Following are the requirements:
 - a. Establish a Home Owners Association (HOA) to finance the maintenance of the "Water Quality Ponds/Bio-swales". Any lots which are identified as "Water Quality Ponds/Bio-Swales" shall be owned in fee by the HOA.
 - b. Dedicate a maintenance easement to the City of Moreno Valley.
 - c. Execute a Stormwater Treatment Device and Control Measure Access and Maintenance Covenant between the City of Moreno Valley and the HOA. The maintenance Covenant must be approved by City Council.
 - d. Establish a trust fund per the terms of the maintenance agreement.
 - e. Provide a certificate of insurance per the terms of the maintenance agreement.
 - f. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation,

maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.

- i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Residential NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process, or
- ii. Establish an endowment to cover future maintenance costs for the Residential NPDES Regulatory Rate Schedule.
- g. Notify the Special Districts Division of the intent to obtain a building permit 90 days prior to the City's issuance of a building permit and the financial option selected. (California Government Code & Municipal Code)
- LD64. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.
- LD65. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:
 - a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
 - b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
 - c. The vendor(s) that the applicant proposes to use to haul the materials.
 - d. Facility(s) the materials will be hauled to, and their expected diversion rates.
 - e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

LD66. (BP) Prior to issuance of a building permit, the developer shall record with the County-Clerk Recorder a "Covenant and Agreement" that informs future property owners of the requirement to maintain (Lot EE, that portion of Lot EE as shown on the Grading Plans on file at the City of Moreno Valley Public Works Department) as a retention/detention basin until such time drainage improvements are made to connect to the City's storm drain system. Until such time adequate drainage improvements are constructed, the owner of (Lot EE, that portion of Lot EE described above) will not be allowed to build over, grade, or otherwise modify the retention/detention basin. The "Covenant and Agreement" shall be in a form acceptable to the City of Moreno Valley. Proof of recordation must be provided to the City prior to issuance of a building permit.

Prior to Certificate of Occupancy

- LD67. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.
- LD68. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.
- LD69. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD70. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD71. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:
 - a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

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- b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
- c. City-owned utilities.
- d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
- e. Under grounding of existing and proposed utility lines less than 115,000 volts.
- f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
- LD72. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)
- LD73. (CO) Prior to issuance of a certificate of occupancy or building final for residential projects, the last 20% or last 5 units (whichever is greater, unless as otherwise determined by the City Engineer) of any Map Phase, punch list work for improvements and capping of streets in that phase must be completed and approved for acceptance by the City.
- LD74. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:
 - a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
 - b. Provide the City with an Engineer's Line and Grade Certification.
 - c. Perform and pass a flow test per City test procedures.
- LD75. (CO) Prior to issuance of a certificate of occupancy or building final for the last 20% of the permitted structures or the last five (5) permitted units (whichever is greater) for any Phase of the development, the Developer shall:
 - a. Notify City Staff (Land Development Division) prior to construction and installation of all structural BMPs so that an inspection(s) 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 basin, including regrading to approved civil drawing if necessary.
- f. Provide City with updated Engineer's Line and Grade Certification.
- g. Obtain approval from City to install irrigation and landscaping.
- h. Complete installation of irrigation and landscaping.
- LD76. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
- LD77. (CO) Prior to issuance of a certificate of occupancy or building final, the applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
 - a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP)
 - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted to the City for review and approval.

Prior to Acceptance of Streets into the City Maintained Road System

LD78. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the oneyear warranty period of the public streets at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic - per project geotechnical report) or Ultra Pave 65 K (for cationic per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 21/2) 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.

SPECIAL CONDITIONS

- LD79. Prior to tract map and/or any grading plan approval, the plans shall clearly show the extents of all existing easements on the property. All building structures shall be constructed outside of existing easements.
- LD80. Prior to tract map and/or any grading plan approval, written permission must be obtained from off-site property owner(s) for all off-site grading and easements. All on-site and off-site easements shall be shown on the final map.
- LD81. Prior to approval of the tract map, the map shall show the following: (Prior to grading plan approval the following shall be submitted to the City for review and approval:)
 - a. A 7-foot street right-of-way vacation on the north side of Delphinium Avenue along project south frontage for a Collector street, City Standard Plan MSVI-106B-0.
 - b. A 3-foot pedestrian easement right-of-way dedication on the north side of Delphinium Street along project south frontage.
 - c. Corner cutbacks right-of-way dedication per City Standard MVSI-165-0 at the private street intersections with the public streets.
- LD82. Prior to any grading plan approval, the plans shall clearly show that any slope near the public right-of-way has a minimum set-back area at 2% maximum of 2 feet before the start of the top or toe of slope. If the vertical height of the slope exceeds 10 feet, this set-back area shall be 3 feet minimum. For areas with curb-separated sidewalk with back of walk (BOW) outside of the R/W, the 2-foot flat area shall be measured from BOW.
- LD83. Prior to any grading plan approval, the developer shall incorporate into the plan the recommendations made in a Soil/Geotechnical Report for the project grading and adjacent streets recommendations and requirement.
- LD84. Prior to any grading plan approval, the grading plans shall clearly demonstrate that drainage is properly collected and conveyed. The plans shall show all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements. The developer will be required to obtain the necessary permission for offsite construction

including easements. Drainage improvements may include connection to the existing storm drain line in Delphinium Avenue.

- LD85. Prior to approval of any grading plan, the plans and the submitted drainage study shall clearly demonstrate this project's increased runoff mitigation. This project shall not discharge runoff at a rate greater in the post developed condition than that in the pre-developed condition, for any given storm event. The storms to be studied include the 1-hour, 3-hour, 6-hour and 24-hour duration events for the 2-year, 5-year, 10-year and 100-year return frequencies.
- LD86. Prior to any grading plan approval, as this entire site resides in FEMA flood zone designation Zone X shaded which, by definition, could include 100 year flooding up to 1 foot. The plans shall clearly demonstrate that any building finished floor elevations shall be 1 foot minimum above the 100-year base flood elevation.
- LD87. Prior to any grading plan approval, the plans shall clearly demonstrate that any sump catch basins, including but not limited to those on Street 'C', as shown on the tentative map, are designed such that there is an emergency escape for drainage overflow in the event that the basin inlets become clogged. This might include, but not be limited to, over sizing the catch basin inlets, providing an approved emergency overflow path, or other method as approved by the City Engineer during the design/plan check stage.
- LD88. Prior to final map approval, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.
 - a. Perris Blvd, Six Lane Arterial, City Standard MSVI-103C-0 (100-foot RW / 76-foot CC) shall construct to half-width plus an additional 18 feet west of the centerline, along the entire project's east frontage. Improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, driveway approaches, drainage structures. any necessary offsite improvement transition/joins to existing, streetlights, repair or replace any damaged structures, replace substandard improvements, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and

- wet utilities. This project will be required to construct a raised, landscape median on Perris Boulevard along project frontage.
- Cactus Avenue, Minor Arterial, City Standard MVSI-105A-0 (88-foot b. RW / 64-foot CC) street improvements have been constructed. The developer shall replace any existing damage improvements along the project frontage and pavement replacement to half-width plus an additional 12 feet north of the centerline, along the entire project's north frontage. Improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, repair or replace any damaged structures, replace substandard improvements, pedestrian ramps, including making a good faith effort to obtain that portion of right-of-way from the adjacent property owner of APN 482-582-033 required to complete construction of the westerly curb return at the Cactus Avenue project entrance, and undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.
- Delphinium Avenue, Collector, City Standard MVSI-106B-0 (78-foot C. RW / 56-foot CC) shall be constructed to half-width plus an additional 14 feet south of the centerline, along the entire project's south frontage any missing improvements. A 7-foot right-of-way vacation on the north side of the street, along the project's south property line, shall be shown on the tract map. A 3' pedestrian easement shall be dedicated along the south property frontage and shall be shown on the tract map. Improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, repair or replace damaged structures. replace substandard any improvements, pedestrian ramps, dry and wet utilities,. This project will be required to construct any missing pavement, curb, gutter, and sidewalk along APN 482-230-015 and 482-230-016 and northwest corner intersection improvements, including handicap access ramp at Delphinium Avenue and Perris Boulevard.
- d. All ramps and traveled ways shall comply with current ADA standards.
- Pavement core samples of existing pavement may be taken and e. findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a one-tenth inch grind and overlay or slurry seal

> depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

- The developer shall install all necessary on-site and off-site drainage f. improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines.
- LD89. Prior to any grading plans approval, the plans shall show an approved concrete drainage ditch along the north and west property boundary retaining walls where slopes and walls meet. The concrete drainage ditch shall convey slope runoff to proposed private drain inlets.
- LD90. Prior to issuance of occupancy permits, all overhead utility lines less than 115.000 volts fronting or within the entire project site boundary shall be placed underground per Section 9.14.130C of the City Municipal Code.
- LD91. Prior to final map approval or building permit issuance, the applicant shall schedule a walk through with a Public Works Inspector to inspect existing improvements within public right-of-way along project frontage. applicant will be required to install, replace and/or repair any missing, damaged or substandard improvements including handicap access ramps that do not meet current City standards. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
- LD92. Prior to final map approval, the limits of private and public streets shall be clearly delineated on the map. The developer shall dedicate those streets intended for public use to the City and construct them per City standards. The developer shall sign a public improvement agreement and post security for public improvements.
- LD93. It may be necessary for the developer to remove/relocate/reconstruct driveways, fences, gates, landscaping and other items, as required, for the full width curb-to-curb construction. It may be necessary for the developer to grade or construct on private property in which case the developer will be required to obtain right-of-entry.

- LD94. Prior to rough grading plan approval, the plans shall show proposed mechanisms to treat onsite runoff before it enters into the public storm drain system. The plans shall show locations of proposed structural best management practices. The developer shall submit to the City for review and approval, those structural best management practices proposed onsite to control predictable pollutant runoff. The developer shall select those structural best management practices identified in Supplement A and Supplement A Attachment to the Riverside County Drainage Area Management Plans. www.floodcontrol.co.riverside.ca.us The developer shall first maximize the use of site design and source control best management practices before selecting treatment control best management practices.
- LD95. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP) for PA14-0014/0015 Perris-Cactus Development Tract 36708. The FWQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" latest edition. The F-WQMP shall be submitted and approved prior to application for and issuance of any grading permits or building 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. Incorporate the use of bio-retention facilities as design and provided in a F-WQMP Report for LID BMP's and installed the facilities as outlined for effective areas within the project site.
- LD96. The following project engineering design plans (24"x36" sheet size) shall be submitted for review and approval as well as additional plans deemed necessary by the City during the plan review process:
 - a. Rough Grading Plan
 - b. Precise Grading Plan
 - c. Street Improvement Plan
 - d. Signing and Striping Plan
 - e. Traffic Control Plan
 - f. Final Drainage Study
 - g. Final WQMP
 - h. Lot Line Adjustment
 - g. As-Built Plans of all "plans" listed above.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA14-0014** and **PA14-0015**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Financial & Management Services Department 951.413.3480 or by emailing specialdistricts@moval.org.

General Conditions

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.
- SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into a City coordinated landscape maintenance program, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. To obtain a copy of these guidelines, please contact the Special Districts Division at 951-413-3480 or visit the Special Districts webpage at www.moval.org/sd.
- SD-3 The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/ or median landscape maintenance for a period of one (1) year as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the District accepts maintenance responsibilities.
- SD-4 Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be immediately repaired/replaced by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.

- SD-5 The ongoing maintenance of any landscaping required to be installed behind the curb on **Delphinium Avenue**, **Cactus Avenue and Perris Boulevard** shall be the responsibility of the property owner.
- SD-6 Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
- SD-7 Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)
- SD-8 Street light Authorization forms, for all street lights that are conditioned to be installed as part of this project, must be submitted to the Special Districts Division for approval, **prior to** street light installation. The Street light Authorization form can be obtained from the utility company providing electric service to the project, Southern California Edison.

Prior to Recordation of Final Map

- SD-9 (R) This project has been conditioned to provide a funding source for the continued maintenance, enhancement, and or retrofit of parks, open spaces, linear parks, and/or trail systems. In order for the Developer to meet the financial responsibilities to fund the defined maintenance, one of the options as outlined below shall be selected.
 - a. Participate in a special election for annexation into Community Facilities District No. 1 and pay all associated costs of the special election process and formation costs if any; or
 - b. Establish an endowment to cover future maintenance costs for new neighborhood parks.

The Developer must notify Special Districts of its selected financial option 90 days prior to City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Articles 13C of the California Constitution.

Annexation to CFD No. 1 shall be completed <u>or</u> proof of payment to establish the endowment shall be provided prior to the issuance of the first building permit for this project.

- (R) This project has been identified to be included in the formation of a Community Facilities District for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the Developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of its intent to record the final map 90 days prior to City Council action authorizing recordation of the map to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)
- SD-11 (R) This project is conditioned to provide a funding source for capital improvements, energy charges, and maintenance for residential street lighting along publically maintained roadways. The Developer shall satisfy this condition with one of the options below.
 - a. Participate in a ballot proceeding for street lighting and pay all associated costs of the ballot process and formation costs, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
 - b. Establish an endowment fund to cover future operation and maintenance costs for the street lights.
 - c. Projects with privately maintained streets, establish a property Owner Association (POA) or Home Owner's Association (HOA) which will be responsible for any and all operation and maintenance costs associated with the street lights installed on private roadways. This does not apply to publicly accepted roadways.

The Developer must notify the Special Districts Division of its selected financial option 90 days <u>prior to</u> City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution.

The financial option selected shall be in place prior to the issuance of the first certificate of occupancy.

- SD-12 (R) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Perris Boulevard** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the options as outlined below shall be selected.
 - a. Participate in a special election (mail ballot proceeding) for improved median maintenance and pay all associated costs with the ballot process and formation costs, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the city; or
 - b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The Developer must notify Special Districts of intent to record final map 90 days prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance.

The financial option selected shall be in place prior to the issuance of the first certificate of occupancy.

- SD-13 (R) This project is conditioned to provide a funding source for the capital improvements and/or maintenance of public improvements and/or services associated with new development in that territory if the District for these services has been or is in the process of being formed. The Developer shall satisfy this condition with one of the options below:
 - a. Participate in a special election for **maintenance/services** and pay all associated costs of the election process and formation costs, if any. Financing may be structured through a Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
 - b. Establish an endowment fund to cover the future maintenance and/or service costs.

The Developer must notify the Special Districts Division of its selected financial option 90 days <u>prior to</u> City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution.

The financial option selected shall be in place prior to the issuance of the first certificate of occupancy.

SD-14 Residential (R) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide for, but is not limited to, stormwater utilities services for the required continuous operation, maintenance, monitoring, system evaluations and enhancements, remediation and/or replacement of. The Developer must notify the Special Districts Division of its selected financial option 90 days prior to City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Article 13D of the California Constitution. (California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)

Prior to Building Permit Issuance

- SD-15 (BP) Prior to the issuance of the first building permit for this project, the Developer shall pay Advanced Energy fees for all applicable Residential and Arterial Street Lights required for this development. Payment shall be made to the City of Moreno Valley and collected by the Land Development Division. Fees are based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges, and Rates adopted by City Council. The Developer shall provide a copy of the receipt to the Special Districts Division (specialdistricts@moval.org). Any change in the project which may increase the number of street lights to be installed will require payment of additional Advanced Energy fees at the then current fee.
- SD-16 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval to be maintained by the City shall be reviewed and approved by the Community and Economic Development Department–Planning Division, the Financial & Management Services Department–Special Districts Division, and the Public Works Department–Transportation Division prior to the issuance of the first Building Permit.

SD-17 (BP) Parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of 25% (or the 30th building permit) of the dwelling permits for this tract or 12 months from the issuance of the first dwelling permit, whichever comes first. In cases where a phasing plan is submitted, the actual percentage of dwelling permits issued prior to the completion of the landscaping shall be subject to the review of the construction phasing plan.

Prior to Certificate of Occupancy

SD-18 (CO) Landscape and irrigation plans for parkway, median, slope, and/or open space landscape areas designated to be maintained by the City shall be placed on compact disk (CD) in pdf format. The CD shall include "As Built" plans, revisions, and changes. The CD will become the property of the City of Moreno Valley and the Moreno Valley Community Services District.

<u>Transportation Engineering Division – Conditions of Approval</u>

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

- TE1. Cactus Avenue is classified as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-0. Any improvements to the roadway shall be per City standards or as approved by the City Engineer.
- TE2. Perris Boulevard is classified as a 6-Lane Divided Arterial (110'RW/86'CC) per City Standard Plan No. MVSI-103C-0. Raised median along Perris Boulevard shall be constructed as a part of the project. Traffic Signal Interconnect per City Standard Plan No. MVSI-186-0 shall be installed along project frontage. Any improvements undertaken by this project shall be consistent with the City's standards for this facility or as approved by the City Engineer.
- TE3. Delphinium Avenue is classified as a Collector (66'RW/44'CC) per City Standard Plan No. MVSI-106B-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility or as approved by the City Engineer.
- *TE4. Driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code Design Guidelines and shall be designed and constructed as intersections with Pedestrian Access Ramps per City of Moreno Valley Standard No. MVSI-114A-0. Driveway access shall be the following, with signing as necessary:
 - Cactus Avenue driveway: Full access.
 - Perris Boulevard: Access restricted to emergency vehicle and exit only.
 - Delphinium Avenue: Full access for residents only.

(* Condition amended by the Planning Commission on December 11, 2014.)

- TE5. The Cactus Avenue gated entrance shall be provided with the following:
 - a) A storage lane with 40' provided for queuing.
 - b) A second storage lane for visitors to stop in prior to the gate 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.
- g) Presence loop detectors (or another device) within 1 to 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE6. Conditions of approval may be modified or added if a phasing plan is submitted for this development.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

- TE7. Prior to the final approval of the street improvement plans, the project applicant shall design a bus bay per City Standard Plan No. MVSI-161-0 in the southbound Perris Boulevard direction, south of Cactus Avenue.
- TE8. 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.
- TE9. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.
- TE10. Prior to final approval of the street improvement plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

- TE11. (CO) Prior to issuance of a Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
- TE12. (CO) Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE13. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.

POLICE DEPARTMENT

Standard Conditions

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080)
- PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
 - The name (if applicable) and address of the development. a.
 - The developer's name, address, and a 24-hour emergency b. telephone number. (DC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community and Economic Development Department - Building Division for routing to the Police Department. (DC 9.08.080)
- PD4. Addresses needs to be in plain view visible from the street and visible at night. It needs to have a backlight, so the address will reflect at night or a lighted address will be sufficient.

PUBLIC WORKS DEPARTMENT

Moreno Valley Utility

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project(s) PA14-0014, and PA14-0015; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3500. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

PRIOR TO ENERGIZING MVU ELECTRIC UTILITY SYSTEM AND CERTIFICATE OF OCCUPANCY

MVU-1 (CO) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, or apartment, and it requires the installation of electric distribution facilities within common areas, a perpetual non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

For a commercial or industrial project a non-exclusive blanket easement shall be provided to Moreno Valley Utility. In the event a non-exclusive blanket easement cannot be provided, a perpetual non-exclusive specific easement shall be provided to Moreno Valley Utility. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

MVU-2 (CO) City of Moreno Valley Municipal Utility Service – Electrical Distribution: Prior to constructing the MVU Electric Utility System, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and

Resolution No. 2015-02
Date Adopted: Januar Item No. E.3

provides financial security to guarantee completion and dedication of the utility system.

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

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

- MVU-3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. Payment shall be required prior to issuance of building permits.
- MVU-4 For all new projects, existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer expense, for any and all costs associated with the relocation of any of Moreno Valley Utility's underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

RESOLUTION NO. 2015-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE APPEAL AND OVERRULING THE DECISION OF THE PLANNING COMMISSION TO APPROVE CONDITIONAL USE PERMIT (PA14-0014), TENTATIVE TRACT MAP 36708 (PA14-0015), AND THE SUPPORTING MITIGATED NEGATIVE DECLARATION FOR A 122 UNIT PLANNED UNIT DEVELOPMENT (PUD) ON 15.92 ACRES AT THE SOUTHWEST CORNER OF PERRIS BOULEVARD AND CACTUS AVENUE (ASSESSOR PARCEL NUMBERS 482-582-038, 039, 040 & 482-230-024).

WHEREAS, the applicant, Nova Homes Inc., filed a Conditional Use Permit (PA14-0014,) and Tentative Tract Map 36708 (PA14-0015) for a 122 unit Planned Unit Development (PUD) at the southwest corner of Perris Boulevard and Cactus Avenue as described in the title of this Resolution; and

WHEREAS, on December 11, 2014, a public hearing was conducted by the Planning Commission in accordance with applicable law; and

WHEREAS, an environmental assessment, including an Initial Study, has been prepared to address the environmental impacts associated with Conditional Use Permit (PA14-0014,) and Tentative Tract Map 36708 (PA14-0015) and a Mitigated Negative Declaration has been recommended pursuant to the California Environmental Quality Act (CEQA), as there is no evidence that the proposed development application, as designed and conditioned, will have a significant effect on public health or be materially injurious to surrounding properties or the environment as a whole; and

WHEREAS, at said public hearing, the Planning Commission carefully reviewed and considered all the evidence presented in connection with the hearing on the project, including but not limited to the staff report, all written and oral testimony presented, and voted 6-0, with one Commissioner seat vacant, to approve the subject project; and

WHEREAS, on December 22, 2014, Mrs. Lori Nickel and Mr. Randy Nickel ("Appellant") filed an appeal with the Community & Economic Development Department, pursuant to Chapters 9.02.240 and 9.14.050 of the Municipal Code, of the Planning Commission's decision to approve the proposed project at the southwest corner of Perris Boulevard and Cactus Avenue; and

WHEREAS, on January 27, 2015 a public hearing on the appeal was held by the City Council in accordance with applicable law; and

Resolution No. 2015-03 Date Adopted: January 27, 2015 WHEREAS, the City Council of the City of Moreno Valley has carefully reviewed and considered all of the evidence presented in connection with the appeal hearing on the project, including, but not limited to the staff report and all written and oral testimony presented; and

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

WHEREAS, all of the facts set forth in this Resolution are true and correct.

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY APPROVES Resolution No. 2015-03 approving the appeal and overruling the decision of the Planning Commission to approve PA14-0014 (CUP), PA14-0015 (TTM 36708), and the supporting mitigated negative declaration for the development of a 122 unit Condominium Complex on 15.92 acres located on the southwest corner of Perris Boulevard and Cactus Avenue, HEREBY DENYING the project.

ATTEST:

City Clerk

APPROVED AS TO FORM:

APPROVED AND ADOPTED this 27th day of January 2015.

City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)
certify that Resolution No. 2015-	erk of the City of Moreno Valley, California, do hereb -03 was duly and regularly adopted by the City Counc regular meeting thereof held on the 27th day of January
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
(Council Members, Mayor Pro Tem and Mayor)	
CITY CLERK	
(SEAL)	

Resolution No. 2015-03 Date Adopted: January 27, 2015 This page intentionally left blank.

December 22, 2014

ATTN: City of Moreno Valley

Community and Economic Development

Planning Department Richard Sandzimier

FROM: Lori Nickel / Randy Nickel

24848 Cape Cod St. Moreno Valley, CA 92553

(951) 485-2951 (951) 318-3775 (cell)

Re: Tentative Tract Map 36708 - 122 unit/condo detached houses on one lot.

As residents within the 300 feet affected target zone and directly impacted by this project with a SHARED property line respectfully file for an appeal of the tract map approved at the December The staff report (or initial study) indicates a traffic study was waived because the project is consistent with the traffic analysis done in the General Plan EIR. The General Plan EIR considered the prior Residential Office land use designation for this site. While the Residential Office designation allowed residential uses up to 15 units per acre, the only way to know what was considered at this location (office or some residential up to 15 units) is to look at the Traffic Analysis Zone (TAZ) assumptions from the General Plan EIR traffic study. You should ask the staff to produce this substantial evidence.

The location of the entrance to this project on Cactus is in close proximation to the corner of Perris Blvd. (southwest). Due to the nature of a gated entry and well as the deceleration to access this entrance in essence will be reducing eastbound Cactus to a single lane in close approximation to the corner and leading to a weaving in and out in the number two lane. It is well know that Cactus' speed limit is posted higher than Perris Blvd, in fact the traffic is so aggressive traveling faster than the posted speed a crosswalk and crossing guard without benefit of signalization was put in place August 2013 for the current school year at the intersection of Philo and Cactus to the west of this project. Further complicating this access is the duplexes situated adjacent to this property and from what I see the entrance to this project is right on top of them. The presence of these duplexes currently impacts the flow of traffic on Cactus.

Cactus continues to be a truck route if I'm not mistaken and is on the master plan bikeway.

The staff report (or initial study) indicates a traffic study was waived because the project is consistent with the traffic analysis done in the General Plan EIR. The General Plan EIR considered the prior Residential Office land use designation for this site. While the Residential Office designation allowed residential uses up to 15 units per acre, the only way to know what was considered at this location (office or some residential up to 15 units) is to look at the Traffic

Analysis Zone (TAZ) assumptions from the General Plan EIR traffic study. You should ask the staff to produce this substantial evidence.

Even if a traffic study is appropriately waived because the General Plan assessed a consistent type and intensity of development, you are fully aware that there are unique circumstances at this location that warrant evaluation of traffic operations, both from an intersection operation perspective and from a safety perspective. The proposed driveways on Cactus and Delphinium should be assessed in relation to their proximity to the existing signalized intersections on Perris and the numerous driveways serving the existing homes fronting Cactus, Perris and Delphinium. The analysis should consider the need for turn restrictions and/or modifications to the proposed driveway locations. There should also be consideration of the location of the Perris Boulevard drive with respect to both existing driveways and likely future access needs for properties on the east side Perris.

Additional points of contention are the overall monstrosity of the residences to all the single story residences sharing the property lines. The tract map shows the homes to be well over 2000 square (2500 plus), 4-6 bedrooms. The impact to the neighborhood to the west and sharing a property line with a combined total of eight homes, places about 3 of these monstrosities in line site.

It was hard to believe that such an inconsiderate plan went before the planning commission without any outreach by the developer to the adjacent neighbors. My husband and I and contact with the developer in October of 2013 after their workers came in on a Saturday trespassing on property not theirs felling historic olive trees and grading property not theirs, including decimating trees in the city right of way. MVPD stopped the activity at my property when they were called and told of unauthorized access to our land.

When this occurred, the Developer asked to meet us they were in our home and looked from our property to theirs. The developer gave us their initial tentative tract map and at this time my husband told them if you are planning two story we have a problem. The tract map that went before the commission showed a blatant disregard for our wishes as they only increased the density to our side of the project. There was never any attempt to contact with us until an hour prior to the Planning Commission meeting, this shows a willful disregard to the quality of life their project imparts on the adjacent properties.

The Commission approved a project with no clear understanding of the school property adjacent to the west along Delphinium. There is an extensive drainage culvert put in by the state as it is on school property. The beginning of this channel begins not of the school site at Philo St heading east, then turns south along the school site, ending at Delphinium.

I felt as a whole the Planning Commission, failed to address or get a definitive redress by the applicant to my multitude of land use objections which went way beyond our shared property lines.

Thank you to Mr. Richard Sandzimier, for your time and patience. But we feel we have no other choice but appeal to protect our rights as well as advocate for the best possible outcome for the residents and future residents of Moreno Valley. The developer will build, sell and be gone leaving old and new homeowners at odds with one another because of their flawed design.

Sincerely.

Lori Nickel

Claudia,

Thank you for taking time to meet today regarding the appeal of the development on the west side of Perris Boulevard between Cactus and Delphinium Avenues (PA14-0014 and 0015, TTM 36708)

There are several outstanding issues that require your assistance in order that we, the neighbors, can pursue reasonable resolution with the applicant, Nova Homes, and the City Council. These are:

- 1. The description of activities and emission summaries presented in the initial study and the air quality technical appendix appear to omit any on-road emissions associated with hauling of imported fill (the preliminary grading plan identifies at least 11,000 cubic yards of import is required, which equates to between 690 and 1,100 truck loads). In addition, since we talked, it has become apparent that the soils study recommends 3.5 feet of overexcavation and recompaction over the entire site. The output data for the CalEEMod model runs, or supplemental information from the air quality consultant is required to understand whether, and how, these aspects of the construction phase have been addressed.
- 2. The conditions of approval refer to a general flood hazard affecting the site and an obligation to ensure all residential pad elevations are 1 foot above the flood elevation. There is no indication in the project record as to the applicable flood elevation, or whether compliance would require pad elevations exceeding those reflected in the preliminary grading plan. If higher pad elevations are required, this may be an additional consideration in the compatibility issues of concern to the neighbors. Please provide the applicable flood elevation.
- 3. The noise study provided today with the disc copy of the initial study appears to indicate that assumptions for truck volumes were reduced from observed conditions based upon generalized Riverside County data (the report pages are not numbered, see text under heading "Modeling of Traffic Volumes"). If this understanding is correct, it is not reflective of the increasing truck volumes on Cactus Avenue and Perris Boulevard that are very evident to local residents. If the observed truck volumes were indeed reduced for the modeling, the model should be rerun based upon the observed truck volumes and noise mitigation adjusted as necessary.
- 4. The current and proposed conditions along the Cactus Avenue frontage warrant focused analysis of traffic impacts and roadway operations. This should be readily apparent to anyone with the most cursory field review, investigation of traffic safety records, and observation of footage from the recently-installed camera system. Considerations include: (1) the existing left turn pocket from eastbound Cactus Avenue to northbound Perris Boulevard (restricts both inbound and outbound left turns), (2) increasing truck traffic on Cactus Avenue, (3) restrictions on southbound and eastbound movements from eastbound Cactus Avenue with pedestrian activity across Perris Boulevard, (4) lack of left turn pocket, or ability to provide such, for traffic turning into the project from westbound Cactus Avenue, (5) traffic safety issues with existing multiple driveways for duplexes on Cactus, (6) traffic safety issues with reduced visibility due to sun glare in early morning and late afternoon, (7) bike lane designation on Cactus Avenue, and (8) likelihood of use of Philo Street as U-turn location by westbound traffic. Please advise what consideration was given to these obvious conditions during project review and if there is any avenue for City staff to ensure consideration of traffic operations on Cactus Avenue and at the Perris/Cactus intersection as part of the pending Council appeal hearing.

- 5. It is understood that the Planning Commission conditioned the project to modify the Delphinium Avenue access point to both ingress and egress. Inasmuch as the December 11th meeting video is not available, please provide written verification of this added/modified condition.
- 6. Please provide clarification of the CEQA process if the Council grants the appeal and makes a modified approval. It is understood that an NOD based upon the Planning Commission approval was filed December 22nd and, therefore, the statute of limitations for CEQA challenges would expire January 22nd, prior to the scheduled appeal hearing. There are apparent errors and omissions in the current CEQA record (including air quality impacts, noise impacts, traffic impacts, incomplete inclusion of recommended mitigation measures in the conditions of approval, and failure to adopt a mitigation monitoring and reporting program). The neighbors need to understand how the City intends to address CEQA with the Council appeal in considering options to exercise rights to challenge the CEQA process.
- 7. Please provide a summary of the process and schedule leading up to the January 27th Council meeting.
 - a. Will the appellant/neighbors be allowed to provide supplemental information for inclusion with the Council staff report?
 - b. Will the staff report include a transcript or minutes of the Planning Commission meeting?
 - c. Will the appellant/neighbors be allowed to review staff report materials ahead of the standard agenda posting?

Other observations based upon our discussion and review of materials provided today:

- A. The Perris Boulevard access point as currently designed sets up a condition that would require any car that inadvertently turns in to back out onto Perris Boulevard. It appears that a fairly simple alteration to the project design could provide a turnaround to address this. Is this something that staff can address as part of the appeal?
- B. The proposed design along the west and north site boundaries adjacent to the existing homes and duplexes is disappointing. There are no provisions for long-term maintenance of the drainage ditch which is indicated on the neighbor's side of the perimeter wall and no effort to address the no-man's land that will remain between our existing fences and the new perimeter wall. This is a primary focus of our intended discussions with Nova Homes. What role will City staff play in coordinating a solution that makes sense for long-term public safety and maintenance?
- C. The project architectural design and layout is disappointing in the lack of consideration for existing adjoining development. The mass and scaling of the proposed homes is in no way compatible with the more modest, single-story nature of the existing adjacent development. The neighbors are hopeful that the developer will be amenable to incorporation of single-story components and layout changes to create a more compatible interface with our existing neighborhood. It is disappointing; however, that the proponent and City staff did not consider the existing residents and did not initiate outreach early in the project review process.

- D. The project layout is disappointing in the lack of consideration for long-term development scenarios for the Cactus Avenue frontage and the Perris/ Delphinium intersection. The project analysis should include some discussion of logical long-term development options for the remnant properties at these locations.
- E. The project plans, staff report and initial study are inconsistent in their characterization of the project in terms of the subdivision/PUD aspect. The use of the term "lot" and the nature of the individual ownerships should be clarified in the staff report to the City Council.
- F. A few corrections to the conditions of approval that should be pointed out in the Council Report:
 - 1. Condition P1 incorrectly identifies the project location as the southeast (should be southwest) corner of Perris and Cactus
 - 2. Condition P2 incorrectly identifies the development as 122 "lots" (is single lot for 122 residential units)
 - 3. Condition LD 88a incorrectly requires improvement of Perris Boulevard to $\frac{1}{2}$ width plus 18 feet west (should be east) of centerline

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PLANNING COMMISSION STAFF REPORT

Project(s): PA14-0014 (Conditional Use Permit)

PA14-0015 (Tentative Tract Map No. 36708)

Date: December 11, 2014

Applicant: Nova Homes

Representative: Nova Homes

Location: Southwest corner of Perris Boulevard &

Cactus Avenue (south to Delphinium Ave)

Proposal: A Conditional Use Permit (Planned Unit

Development) for a 122 unit condominium complex with a community clubhouse,

playground and pool.

Council District: 4

Recommendation: Approval

SUMMARY

The applicant, Nova Homes, has submitted two applications: Tentative Tract Map 36708 (PA14-0015) and Conditional Use Permit (PA14-0014) for a Planned Unit Development (PUD) located at the southwest corner of Perris Boulevard and Cactus Avenue. The applications provide design parameters and layout for the condominium complex and private/common recreational open space. The project is consistent with municipal code development standards for the underlying Residential 10 (R10) zoning classification, and has been found compatible with surrounding land uses to the site.

Planning Commission Swiff Report PA14-0014 and PA14-0015 Page 2

PROJECT

Overview

The project consists of two applications. Tentative Tract Map 36708 (PA14-0015) merges approximately 15.92 acres of land (APNs: 482-582-038, 039, 040 & 482-230-024) into one parcel with 122 residential units and 20 lettered lots for private streets and landscape purposes. The second application is a Conditional Use Permit (PA14-0014) for a Planned Unit Development (PUD) that provides design standards for the condominium complex and also provides private/common recreational opportunities.

The project site lies within the Residential 10 (R10) land use district. Individual residential lot areas within the PUD range in size from 3,404 square feet to 6,668 square feet. The average lot size of 3,754 square feet. There are no specific minimum lot sizes imposed for condominium projects with detached townhome style residences, which are allowed in multiple-family districts as long as the minimum density is met. Eighty (80%) percent of allowable density must be achieved by all developments within multiple-family zoning. The minimum density required in the R10 land use district is eight (8). The 122 units results in a density of approximately eight (8) units per acre.

Planned Unit Development

To allow for variation in the residential design of the proposed condominium development, the applicant is proposing a conditional use permit (CUP) for a Planned Unit Development (PUD). The PUD section of the Municipal Code (Section 9.03.060) outlines specific goals and objectives for the project that encourage:

 Greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the strict application of the site development regulations contained in this title.

The proposed project meets the criteria established above, and includes a total number of home sites at the required R10 density and with the common area amenities desired with a multiple-family development. The PUD will include two story homes between 2,054 to 2,696 square feet in size. The applicant is providing on-site recreation facilities such as private/common open space, a clubhouse with a gym, a pool and tot lot/playground.

The residential development project will result in a walkable community with pedestrian access to existing commercial land uses approximately one half mile south of the project at Perris Boulevard and John F. Kennedy Drive. Pedestrian access will be provided to the nearby Chaparral Hills Elementary School and Badger Springs Middle School, which are located west of the site on Delphinium Avenue. The proposed project will offer opportunities of owning a home on a small lot, which can be particularly well suited for the first time home buyers.

Planning Commission Staff Report PA14-0014 and PA14-0015 Page 3

The following stated purposes for developments approved under a planned unit development concept, per Section 9.03.060 of the Municipal Code. A synopsis of how the proposed development concurs within the established language is also provided:

 Permitted Uses and Density. Only those uses permitted within the applicable zoning district shall be allowed within any planned unit development. The average density of any planned unit development shall not exceed the number of dwelling units per acre allowed under the applicable zoning district regulations.

The project will include detached townhouse style residential homes, a permitted use in an R10 land use district. The proposed project will meet housing needs provided within the City's Housing Element of the General Plan by expanding the range of housing options in the community. Moreover, the project design and proposed density at approximately 8 units per acre is consistent with the number of dwelling units per acre desired under the R10 land use district.

 Deviations from Site Development Standards. Planned unit developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height. Any such deviation(s) shall be to the minimum degree necessary to achieve one or more of the purposes listed in the section.

Street side setbacks in the R10 zone are twenty (20) feet. Along Perris Boulevard (Six Lane Divided Arterial) and Cactus Avenue (Minor Arterial) the PUD meets the twenty (20) foot requirement. Along Delphinium Avenue, which is classified as a collector street, the project will have a reduced side yard setback of ten (10) feet. The reduction to ten (10) feet is consistent with other residential developments in the City and is consistent with the standard for Residential Single-Family (RS10) and allows the project to meet the minimum required density of 8 units per acre.

Other Design Considerations

As part of the PUD, Nova Homes has provided elevation design plans of the proposed townhouses and clubhouse building. The submitted PUD home plans have been reviewed and found to be consistent with the City's Design Guidelines for single-family homes. The project includes five (5) footprints and three (3) elevations two story homes between 2,054 to 2,696 square feet in size. The plans include incorporation of four authentic architectural styles (California Spanish Traditional, Santa Barbara, Tuscan, and French Cottage). The elevations provide a variety in mass, scale, color, interesting roof lines and finishing of homes that will be visually appealing from the street. The layout and site planning for the project results in the provision of usable outdoor living areas. The proposed home plans provide all required design elements that would establish an attractive neighborhood, and would be compatible with other buildings on adjoining and nearby properties.

Planning Commission Staff Report PA14-0014 and PA14-0015 Page 4

Site/Surrounding Area

The project site consists of vacant parcels that were previously disked for weed abatement. There are two sets of duplexes (total of four residences) near the northwest corner of the project along Cactus Avenue and three single-family residences near the southeast corner of the project (along Perris Boulevard and Delphinium Avenue), which are also zoned Residential 10 (R10) and will remain. Directly west of the site, along Delphinium Avenue, are the Chaparral Hills Elementary School and Badger Springs Middle School (zoned Public – P).

Much of the area is characterized by residential development, with established single-family tracts to the east, west north and south (Residential 5 (R5) and Residential Single-Family 10 (RS10)). Directly across Perris Boulevard are two vacant parcels zoned Residential 15 (R15) and two developed parcels zoned Office (O) with a child daycare center and building contractor yard with a residence. There is a multiple-family apartment complex at the southeast corner of Delphinium Avenue and Perris Boulevard zoned Residential 20 (R20).

Access/Parking

Three (3) points of access have been provided for the PUD from Cactus Avenue, Perris Boulevard and Delphinium Avenue. All proposed interior streets, drive aisles and recreation areas would be private and gated, and will be maintained by a homeowners association.

Parking requirements for the project call for 2.5 spaces per unit for a total of 305 spaces, which is met. The housing products include the required minimum enclosed 20x20 two (2) car garages (244 parking spaces). Street parking will be available on various internal streets with provided "parking pockets" (parallel parking). The project has approximately 1,934 feet of street parking for approximately seventy (70) cars. Ten (10) guest parking stalls are provided near the recreation areas. The total project includes 324 spaces.

Design/Landscaping

The project meets development standards as outlined under Section 9.03.060 (Planned Unit Developments) of the Municipal Code. All walls and fences are conditioned to be consistent with the provisions for community walls and fences within the Municipal Code. The plans include six (6) foot high solid decorative block wall with pilasters along the entire project perimeter. Decorative block walls are required on corner lots within the PUD. Internal fencing between units will include a poly-vinyl fencing material. Conditions P16 and P26 are provided to address the fence and wall design requirements.

Planning Commission Staff Report PA14-0014 and PA14-0015 Page 5

All landscaping along Cactus Avenue, Perris Boulevard and Delphinium Avenue as well as common open space and front yard landscaping in the tract will be maintained by a homeowners association. Conditions P8, P21, P24 and P27 are provided to address landscaping design requirements.

A water quality detention basin, for water quality and flood control, will be constructed in the southeast corner of the PUD. Landscape, including trees, shrubs and groundcover, as well as irrigation shall be installed and maintained by the HOA for the detention basin. Conditions P21, P22, P24 and P27 are provided to address landscaping design requirements for the detention basin and other water quality features.

REVIEW PROCESS

The proposed project has undergone some design changes since the submittal of the initial application on to the Planning Division on April 7, 2014. The Project Review Staff Committee (PRSC) reviewed the project application on May 28, 2014. After various redesigns, corrections were provided by the applicant. Revisions to the site plan as well as enhancements to the elevations of the townhouses addressed comments raised through PRSC. All issues have been adequately addressed.

ENVIRONMENTAL

Following a preliminary review of the proposed project, the City of Moreno Valley has determined that it is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). An Initial Study was prepared by Crable & Associates, Environmental Consultants in February 2014 and supports the recommended environmental finding that a mitigated negative declaration is appropriate for this project. In reviewing the environmental aspects of the proposed condominium project, it was determined that the following studies were required: an Air Quality/Greenhouse Gas (GHG) Analysis, Cultural Resources Assessment, Noise Impacts Analysis and a Burrowing Owl Habitat Assessment. Based on the City's independent review of all supporting environmental documentation, including the Initial Study and technical studies, planning staff recommends the adoption of a Mitigated Negative Declaration (MND). With the adoption of mitigation measures identified with the MND, potential impacts will be reduced to a less than significant level.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project on December 1, 2014. The public hearing notice for this project was also posted on the project site on December 1, 2014 and published in the Press Enterprise newspaper on November 21, 2014.

STAFF RECOMMENDATION

Recommend the Planning Commission APPROVE Resolution No. 2014-29

- 1. ADOPT a Mitigated Negative Declaration for PA14-0014 (CUP) and PA14-0015 (TTM 36708) pursuant to the California Environmental Quality Act (CEQA) Guidelines; and,
- 2. APPROVE PA14-0014 (CUP) and PA14-0015 (TTM 36708) based on the findings contained in the resolution and subject to the conditions of approval included as Exhibit A of the resolution.

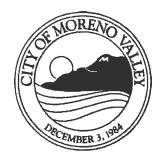
Prepared by:

Approved by:

Claudia Manrique Associate Planner Richard J. Sandzimier Planning Official

ATTACHMENTS:

- 1. Public Hearing Notice
- 2. Planning Commission Resolution No. 2014-29 with Conditions of Approval (Exhibit A)
- 3. Mitigated Negative Declaration
- 4. Initial Study
- 5. Land Use
- 6. Aerial Photo
- 7. Tentative Tract Map 36708
- 8. Site Plan
- 9. Elevations
- 10. Conceptual Landscaping
- 11. Isla Verde A Planned Community document



Notice of **PUBLIC HEARING**

This may affect your property. Please read.

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

Project(s):

PA14-0014 (CUP)

PA14-0015 (TTM 36708)

Applicant:

Nova Homes

Owner:

Perris-Cactus Development LLC

Representative: Nova Homes

APN(s): Location: 482-582-038, 039, 040 & 482-230-024

Southwest corner of Perris Boulevard &

Cactus Avenue (south to Delphinium

Proposal:

A Conditional Use Permit (CUP) and

Tentative Tract Map for a 122 Unit Planned Unit Development (PUD) (Single-Family Townhouse product)

on 15.92 acres including a club house and pool.

Council District: 4

Case Planner: Claudia Manrique

The City of Moreno Valley, in accordance with the California Environmental Quality Act, has prepared an initial study for the project and based on the initial study has determined that the project will not have any significant effect on the environment that cannot be avoided or reduced to less than significant; therefore, approval of a Mitigated Negative Declaration by the Planning Commission is recommended.

Any person interested in the project may enter verbal comments in support or in opposition to the project at the Planning Commission hearing or provide written comments or testimony at or prior to the hearing. The application file and environmental documents are available for public review and may be inspected at the Community & Economic Development Department at 14177 Frederick Street, Moreno Valley, California during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday), or you may telephone (951) 413-3206 for further information.

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

The Planning Commission, upon consideration of materials and information presented at the Hearing, could consider modifications or alternatives to the project.

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



LOCATION

PLANNING COMMISSION HEARING

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

DATE AND TIME: December 11, 2014 at 7 PM

CONTACT PLANNER: Claudia Manrique

PHONE: (951) 413-3225

Attach-181-

PLANNING COMMISSION RESOLUTION NO. 2014-29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PA14-0014 CONDITIONAL USE PERMIT (CUP) AND PA14-0015 TENTATIVE TRACT MAP 36708 (TTM) FOR A 122 UNIT PLANNED UNIT DEVELOPMENT (PUD) ON ASSESSOR PARCEL NUMBERS 482-582-038, 039, 040 & 482-230-024).

Section 1: Conditional Use Permit

WHEREAS, the applicant, Nova Homes, filed PA14-0014, Conditional Use Permit (CUP), for a 122 unit Planned Unit Development (PUD) as described in the title of this Resolution. The CUP is being processed concurrently with a Tentative Tract Map (PA14-0015); and

WHEREAS, on December 11, 2014, the Planning Commission of the City of Moreno Valley held a public hearing to consider the subject applications and all environmental documentation prepared for the project; and

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

WHEREAS, the Planning Commission considered the Initial Study that was prepared for the project in compliance with the California Environmental Quality Act (CEQA). Based on the Initial Study, it was determined that the potential impacts of the project can be mitigated to less than significant with the incorporation of mitigation measures. A Mitigated Negative Declaration is recommended.

WHEREAS, the subject development project is subject to certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that certain fees, dedications, reservations and other exactions are set forth herein.

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

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

Attachment 2

- B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on December 11, 2014, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:
 - 1. Conformance with General Plan Policies The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The General Plan encourages a mix of residential uses to provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups (Goal 2.2). The proposed project is within the Residential 10 (R10) zoning designation, which primary purpose is to provide for a variety of residential products and to encourage innovation in housing types. Developments within Residential 10 areas are typically expected to provide amenities not generally found in suburban subdivisions, such as common open space and recreational areas (Goal 2.2.8).

The proposed project is a 122 unit Planned Unit Development (PUD). Planned Unit Developments (PUD) are encouraged in the General Plan in order to provide housing that is varied by type, design, form of ownership, and size (Goal 2.2.12). The project as designed and conditioned would achieve the objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan and does not conflict with the goals, objectives, policies, and programs established within the Plan.

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

FACT: The proposed project is within the Residential 10 (R10) zoning designation, which primary purpose is to provide for a variety of residential products and to encourage innovation in housing types. Developments within Residential 10 areas are typically expected to provide amenities not generally found in suburban subdivisions, such as common open space and recreational areas (Goal 2.2.8).

The proposed project meets the criteria established in the PUD section of the Municipal Code (Section 9.03.060), as it will include a mix of home sites, which includes townhome style residences at the required R10 density and with the amenities of a multiple-family development.

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

FACT: The proposed 122 unit Planned Unit Development (PUD), as designed and conditioned will not adversely affect the public health, safety or general welfare. An Initial Study has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, it was determined that the potential impacts of the project can be mitigated to less than significant with the incorporation of mitigation measures. A Mitigated Negative Declaration is recommended.

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

FACT: The proposed project is located in an area of Moreno Valley that is characterized by residential development, with established single-family tracts to the east, west north and south (Residential 5 (R5) and Residential Single-Family 10 (RS10)). Directly across Perris Boulevard are two vacant parcels zoned Residential 15 (R15) and two developed parcels zoned Office (O) with a child daycare center and building contractor yard with a residence. There is a multiple-family apartment complex at the southeast corner of Delphinium Avenue and Perris Boulevard zoned Residential 20 (R20).

Overall, as designed, the proposed Planned Unit Development (PUD) is compatible with the Residential 10 (R10) zone, and the City's General Plan land use classification of Residential/Office (R/O). As designed and conditioned, this PUD is compatible with existing and proposed land uses in the vicinity.

Section 2: Tentative Tract Map

WHEREAS, the applicant, Nova Homes, filed PA14-0015, Tentative Tract Map (PA14-0015), as described in the title of this Resolution. The Tentative Tract Map is being processed concurrently with a Conditional Use Permit (CUP) (PA14-0014); and

WHEREAS, on December 11, 2014, the Planning Commission of the City of Moreno Valley held a public hearing to consider the subject applications and all environmental documentation prepared for the project; and

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

WHEREAS, the Planning Commission considered the Initial Study prepared for the project for the purpose of compliance with the California Environmental Quality Act (CEQA). Based on the Initial Study, it was determined that the potential impacts of the project can be mitigated to less than significant with the incorporation of mitigation measures. A Mitigated Negative Declaration is recommended.

WHEREAS, the subject development project is subject to certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that certain fees, dedications, reservations and other exactions are set forth herein.

1. The proposed land division is consistent with applicable general and specific plans.

FACT: Tentative Tract Map 36708 (PA14-0015) merges approximately 15.92 acres of land (APNs: 482-582-038, 039, 040 & 482-230-024) into one parcel with 122 units and 20 lettered lots for private streets and landscape purposes. The proposed tentative tract map is consistent with the General Plan designation of Residential/Office (R/O).

The primary purpose of areas designated R/O is to provide areas for the establishment of office-based working environments or residential developments of up to 15 dwelling units per acre. The zoning regulations identify the particular uses and type of residential development permitted on each parcel of land. The zoning classification for the project's parcels is Residential 10 (R10).

2. The site of the proposed land division is physically suitable for the type of development.

FACT: Tentative Tract Map 36708 would create one parcel from the existing four parcels. The proposed project is consistent with the General Plan designation of Residential/Office (R/O). The proposal would be consistent with the Residential 10 (R10) zoning as the larger parcel size would allow for Planned Unit Development of 122 residential lot areas and 20 lettered lots for private streets and landscape purposes. The tract map, as designed, is consistent with "Residential 10 (R10)" zoning requirements.

 The design of the proposed land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

FACT: Staff has evaluated the design and potential environmental impacts of the proposed project, and an environmental initial study was prepared by Crable & Associates, Environmental Consultants. As conditioned, mitigated and designed, the proposed tentative tract map would not cause significant environmental impacts. Based on the Initial Study, it was determined that the potential impacts of the Tentative Tract Map, can be mitigated to less than significant with the incorporation of mitigation measures. A Mitigated Negative Declaration is recommended.

4. The designs of the proposed land divisions or the type of improvements are unlikely to cause serious public health problems.

FACT: As conditioned, the proposed land division would not cause serious public health problems. There are no known hazardous conditions associated with the property, the design of the land division or the type of improvements. Based on the Initial Study, it was determined that any potential impacts of the Tentative Tract Map, can be mitigated to less than significant with the incorporation of mitigation measures. A Mitigated Negative Declaration is recommended. The proposed tentative tract map will not adversely affect the public health, safety or general welfare.

5. The design of the land division or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

FACT: There are no conflicts with easements on the subject site. The City Engineer has appropriately placed conditions of approval for Tentative Tract Map No. 36708 regarding various project improvements.

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

FACT: The size, configuration and orientation of the parcel would allow solar access for passive heating.

The size, configuration and orientation of the lots in this land division allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

7. That the effect of the proposed land division on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The proposed project does not exceed the planned density, the associated public service demand, or the demand for environmental resources envisioned by the Moreno Valley General Plan. The project will supplement the City's fiscal resources by paying impact fees for public facilities. Additionally, future residents will pay Community Services District fees, property tax, sales tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

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

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA14-0014 and PA14-0015, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

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

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

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

BE IT FURTHER RESOLVED that the Planning Commission HEREBY APPROVES Resolution No. 2014-29 and thereby recommends that the City Council:

- ADOPT a Mitigated Negative Declaration for PA14-0014 (CUP) and PA14-0015 (TTM 36708) pursuant to the California Environmental Quality Act (CEQA) Guidelines; and,
- 2. APPROVE PA14-0014 (CUP) and PA14-0015 (TTM 36708) based on the findings contained in the resolution and subject to the conditions of approval included as Exhibit A of the resolution.

APPROVED this	: 11 th	day of	December,	2014
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	Jeff Giba Chair, Planning Commission
ATTEST:	
Richard J. Sandzimier, Planning Official Secretary to the Planning Commission	a e
APPROVED AS TO FORM:	
City Attorney	-
Attachments	

CITY OF MORENO VALLEY CONDITIONS OF APPROVAL PA14-0014 CONDITIONAL USE PERMIT (CUP) FOR A PLANNED UNIT DEVELOPMENT (PUD) AND PA14-0015 TENTATIVE TRACT MAP 36708 APN(s): 482-582-038, 039, 040 & 482-230-024

APPROVAL DATE: EXPIRATION DATE:

December 11, 2014 December 11, 2017

Planning (P), including School District (S), Post Office (PO), Building (B)

Fire Prevention Bureau (F)

- Public Works, Land Development (LD) **Public Works, Special Districts (SD)**
- Public Works Transportation Engineering (TE)

Police (PD)

Moreno Valley Utilities

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

For guestions regarding any Planning condition of approval, please contact the Planning Division at (951) 413-3206.

- P1. Conditional Use Permit (PA14-0014) is an approval for a Planned Unit Development (PUD) for a 122 unit condominium complex with a community clubhouse, playground and pool at the southeast corner of Cactus Avenue and Perris Boulevard (APNs: 482-582-038, 039, 040 & 482-230-024). A change or modification shall require separate approval.
- Tentative Tract Map 36708 (PA14-0015) for a one parcel map with 122 P2. residential lot areas as well as HOA maintained lots, water quality features and common open space areas per the approved plans. A change or modification shall require separate approval. Development of the Planned Unit Development (PUD) is subject to approval of Tentative Tract Map 36708 (PA14-0015) and the subsequent recordation of this map.
- The approval for PA14-0014 (CUP) and PA14-0015 (TTM 36708) shall expire P3. three years after the approval date of these projects unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall

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

R - Map Recordation

GP - Grading Permits

CO - Certificate of Occupancy or building final

WP - Water Improvement Plans BP - Building Permits

P - Any permit

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

GP - General Plan

MC - Municipal Code DG - Design Guidelines CEQA - California Environmental Quality Act

Ord - Ordinance Res - Resolution

UFC - Uniform Fire Code

Ldscp - Landscape Development Guidelines and Specs **UBC** - Uniform Building Code

SBM - Subdivision Map Act

Ex-191-

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)

- P4. The site shall be developed in accordance with the approved plans on file in the Community & Economic 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)
- P5. 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)
- P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P7. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
- P8. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Prior to Issuance of Grading Permits

- P9. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P10. 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)
- P11. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Planning Division for review and approval.

- P12. (GP) Within thirty (30) days prior to any grading or other land disturbance, a preconstruction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan.
- P13. The owner or owner's representative shall establish and maintain a relationship with the City of Moreno Valley and cooperate with the Problem Oriented Policing (POP) program, or its successors.
- P14. (GP) Decorative pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses with open space and parking and the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
- P15. (GP) Prior to the issuance of building permits, the site plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project.
- P16. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - A. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas as well as along street frontage (Cactus Avenue, Perris Boulevard and Delphinium Avenue) and the detention basin.
 - B. A maximum 6 foot high solid decorative block wall is required on all corner lots within the PUD.
 - C. Internal fencing between units will be a poly-vinyl fencing material.
 - 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.

PRIOR TO BUILDING PERMITS

P17. (BP) Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30, DG)

- P18. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building lighting, shall be submitted to the Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed one-quarter foot-candle minimum maintained lighting measured from within five feet of any property line.
- P19. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multiple Species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)
- P20. (BP) Prior to issuance of building permits, for multiple-family projects that will be phased, a phasing plan submitted to the Planning Division will be required if occupancy is proposed to be phased.
- P21. (BP) Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and shall include:
 - A. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
 - B. Street trees shall be provided every 40 feet on center in the right of way.
 - C. Enhanced landscaping shall be provided at all driveway entries and street corner locations
 - D. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.
 - E. All site perimeter, detention basin and open space landscaping and irrigation shall be installed prior to the release of certificate of any occupancy permits for the PUD.
- P22. Prior to the issuance of building permits, landscape and irrigation plans for areas maintained by the Homeowner's Association shall be submitted to the Planning Division. All landscape plans shall be approved prior to the release of any building permits for the site. The plans shall be prepared in accordance with the City's Landscape Development Guidelines. Landscaping is required for the sides and or slopes of all water quality basin and drainage areas. All detention

> basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters or other fence or wall approved by the Planning Official is required to secure all water quality and detention basins.

PRIOR TO RECORDATION OF FINAL MAP

- P23. (R) Prior to recordation, the developer shall grant a conservation easement(s) to the City for the preservation of the areas designated as open space.
- P24. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
 - a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, open space use restrictions, conservation easements, water quality basins, lighting, landscaping and common area use items such as exercise stations, public seating areas and other recreation facilities. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- The developer and the Isla Verde Planned Unit Development Guidelines and/or homeowners association shall promote the use of native plants and trees and drought tolerant species to the extent feasible.
- (R) All lots designated for open space and, or basins, shall be dedicated to and maintained by a Homeowners Association (HOA). The HOA shall contract with a private maintenance entity or establish a funding mechanism approved by the City in a maintenance agreement for City maintenance. 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.

- All reverse frontage property and public right-of-way landscape areas, shall be maintained by a Homeowners Association (HOA) or through a property owner funded landscaping district as maintained by the City. 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.
- Maintenance of any and all common facilities.
- A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas except on the maintenance road and access driveways for the water quality basins.

PRIOR TO CERTIFICATE OF OCCUPANCY

- P25. (CO) Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed. (DC 9.03.040)
- P26. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).
- P27. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be inspected by the Planning Division. All on-site and common area landscaping shall be installed in accordance with the City's Landscape Standards and the approved project landscape plans and all site clean-up shall be completed.

MITIGATION MEASURES

- P28. AQ-1: Painting and surface coating shall be limited to an aggregate area of no more than 25,000 square feet per day during any phase of construction; or Paints and surface coatings shall be limited to a VOC content of no more than 30 milligrams per liter of VOC content.
- P29. AQ-2: Any hearth, stove, or fireplace designed to burn wood shall be omitted or replaced with a unit designed to burn only natural gas.

- P30. AQ-3: During site preparations, the contractor shall water the construction site a minimum of three times per day, rather than twice per day as required under Rule 403 (SCAQMD to prevent, reduce or mitigate fugitive dust emissions).
- P31. AQ4: During site preparations, the contractor shall specify that all dozers use a minimum of Level 2 diesel particulate filters.
- P32. CULT-1: In the event that prehistoric or historic archaeological resources (e.g., bottles, foundations, refuse dumps, Native American artifacts, etc.) are unearthed during ground-disturbing activities, the Applicant shall halt or redirect grounddisturbing activities away from the vicinity of the find so that the find can be evaluated by a qualified archaeologist. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by an archaeologist. The Applicant shall coordinate with the archaeologist and the City to develop an appropriate treatment plan for the resources if they are determined to be potentially eligible for the California Register or potentially qualify as unique archaeological resources pursuant to CEQA. Treatment may include implementation of archaeological data recovery excavations to remove the resource or preservation in place or avoidance. The archaeologist shall prepare a report regarding the find and its treatment effort that shall be submitted by the Applicant to the City, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and the required mitigation measures. The report shall include a description of resources unearthed, if any, treatment of the resources, and evaluation of the resources with respect to the California Register. The Applicant, in consultation with the archaeologist and the City shall designate repositories meeting State standards in the event that archaeological material is recovered. Project material shall be curated in accordance with the State Historical Resources Commission's Guidelines for Curation of Archaeological Collections.
- P33. CULT-2: If construction excavations would encounter the fossiliferous Pleistocene alluvial sediments that are located at an unknown depth within the Project site, a qualified shall be retained by the Applicant. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified Paleontologist shall supervise a paleontological monitor who shall be present during construction excavations into Pleistocene alluvial sediments. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring inspections shall be determined by the Paleontologist and shall be based on the rate of excavation

and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.

- P34. CULT-3: If a potential fossil is found, the Paleontological Monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the Paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing.
- P35. CULT-4: Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the San Bernardino County Museum or the Western Science Center. Accompanying notes, maps, and photographs shall also be filed at the repository.
- P36. CULT-5: Following the completion of the above measures, the Paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Project Applicant to the lead agency, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.
- P37. CULT-6: If human remains are encountered unexpectedly during implementation of the proposed project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the land owner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the land owner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices,

where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment. Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

- P38. N-1: At a minimum the structures that back along Perris Boulevard and Cactus Avenue shall be constructed with batten insulation in the exterior walls. Alternatively, these structures could be of masonry construction negating this requirement.
- P39. N-2: All exterior fittings that enter these structures (e.g., electrical conduits, HVAC ducts) are to be sealed with caulk such that the fittings are rendered as air-tight. Any metal duct-work that is exposed to the exterior environment shall be enclosed and insulated to avoid noise transference through the ducting.
- P40. N-3: The Applicant shall provide these structures with forced air ventilation designed and installed in accordance with the California Uniform Building Code.
- P41. N-4: The Applicant shall specify a minimum STC rating of 32 and 33 for all first and second story, respectively, window and/or door assemblies, that have a view toward Perris Boulevard (east facing) These windows and/or doors are to be well fitting with vinyl (or equivalent) gaskets that form an air tight fitting.
- P42. N-5: The Applicant shall specify a minimum STC rating of 28 and 32 for all first and second story, respectively, window and/or door assemblies that have a view toward Cactus Avenue (north facing) These windows and/or doors are to be well fitting with vinyl (or equivalent) gaskets that form an air tight fitting.
- P43. N-6: The Applicant shall abide by any other measures set forth by the City of Moreno Valley Planning Department for noise mitigation.

Building and Safety Division

- B1. New buildings/structures shall comply with the current California Building Standards Code (CBC, CEC, CMC, CPC and Green Building Standards) as well as City ordinances. Plans shall be submitted to the Building and Safety Division as a separate submittal and shall include a soils report at time of first submittal. Beginning on January 1, 2014, the 2013 CBC will become effective for all new building permit applications.
- B2. Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, as a portion of the building or demolition permit process.
- B3. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- B4. The proposed new development may be subject to the payment of development fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

FIRE PREVENTION BUREAU

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. 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 force at the time of building plan submittal.
- F2. 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 1500 GPM 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). Fire sprinklers shall be installed throughout this project. The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 ½" x 2 ½") and super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 507.5.7 & MVMC 8.36.060 Section K, L)
- F4. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MV City Standard Engineering Plan 422 a, b, c)

- F5. 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)
- F6. Each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
- F7. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CFC 503.2, MVMC 9.15.030)
- F8. 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)
- F9. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MV City Standard Engineering Plan 108d)
- F10. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
- F11. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
- F12. 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)
- F13. 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)

- F14. 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)
- F15. 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)
- F16. Prior to construction, "private" driveways over 150 feet in length, dead end roadways, and streets which have not been completed shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503,and MVMC 8.36.060, CFC 501.4)
- F17. Prior to issuance of Certificate of Occupancy, all residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be located consistently on each dwelling throughout the development. The numerals shall be no less than four (4) inches in height and shall be low voltage lighted fixtures. (CFC 505.1, MVMC 8.36.060[I])
- F18. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. 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)
- F19. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F20. 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])
- F21. 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.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3)

- F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.
- F23. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105, MVMC 8.36.100[A])
- F24. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, to the Fire Prevention Bureau.
- F25. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 33 & CBC Chapter 33)
- F26. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 105)

- F27. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 105)
- F28. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 105)
- F29. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.8)
- F30. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC 102.3)
- F31. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.
- F32. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
- F33. All fire lanes shall be a minimum of 24 feet wide with no street parking allowed, if street parking is preferred, then the streets shall be made wider to accommodate it.

CITY OF MORENO VALLEY PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

Note: All Special Conditions are in Bold lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)
- LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.
- LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

- LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)
- LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.
- LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
 - (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Public Works Department.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

- LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)
- LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
- LD9. (G) For single family residential subdivisions, all lots shall drain toward the street unless otherwise approved by the City Engineer. Residential lot drainage to the street shall be by side yard swales and include yard drain pipes and inlet grates (or stubbed and capped if area is not yet landscaped) that convey flows to the street in accordance to City Standard No. 303 independent of adjacent lots. No over the sidewalk drainage shall be allowed, all drainage shall be directed to a driveway or drainage devices located outside the right-of-way. (MC 9.14.110)
- LD10. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.
- LD11. (G) Water quality basins designed to meet Water Quality Management Plan (WQMP) requirements for single-family residential development may not be used as a construction best management practice. The water quality basin shall be maintained for the entire duration of project construction and be used to treat runoff from those developed portions of the project. The water quality basin shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. The water quality basin shall be graded per the approved design drawings and once landscaping and irrigation has been installed, it and its maintenance shall be turned over to an established Homeowner's Association.
- LD12. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan

sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD13. (G) Upon approval of the tentative tract map by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Grading Plan Approval or Grading Permit

- LD14. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD15. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
 - a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
 - d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
 - e. The developer shall submit a soils and geologic report to the Public Works Department Land Development Division. The report shall address the soil's stability and geological conditions of the site.
- LD16. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where

> National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

- LD17. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.
- LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:
 - a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;

b. Incorporates Source Control BMPs and provides a detailed description of their implementation;

c. Incorporates Treatment Control BMPs and provides information regarding design considerations;

d. Describes the long-term operation and maintenance requirements for BMPs

requiring maintenance; and

e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final projectspecific WQMP and the maintenance requirements associated with the WQMP.

> A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

- LD20. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.
- LD21. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
- LD22. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.
- LD23. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD24. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.
- LD25. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.
- LD26. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
- LD27. (GP) Prior to issuance of a grading permit, if the project does not involve the subdivision of land and if the developer chooses to construct the project in construction phases, a Construction Phasing Plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer.

- LD28. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)
- LD29. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project. (MC 8.21.070)
- LD30. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the implementation and maintenance of erosion control measures required as a condition of approval of the project. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the City. (MC 8.21.160)
- LD31. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

- LD32. (MA) Prior to approval of the map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, the developer shall submit bylaws and articles of incorporation for review and approval as part of the maintenance agreement for any water quality basin.
- LD33. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD34. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

- LD35. (MR) Prior to recordation of the map, if the developer chooses to construct the project in construction phases, a Construction Phasing Plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California State Department of Real Estate.
- LD36. (MR) Prior to recordation of the map, if applicable, the developer shall have all street names approved by the City Engineer. (MC 9.14.090)
- LD37. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (NPDES) as mandated by the Federal Clean Water Act. Following are the requirements:
 - a. Establish a Home Owners Association (HOA) to finance the maintenance of the "Water Quality Ponds/Bio-swales". Any lots which are identified as "Water Quality Ponds/Bio-Swales" shall be owned in fee by the HOA.
 - Dedicate a maintenance access easement to the City of Moreno Valley for water quality inspections.
 - c. Execute a Stormwater Treatment Device and Control Measure Access and Maintenance Covenant between the City of Moreno Valley and the HOA. The maintenance agreement must be approved by City Council.
 - d. Establish a trust fund per the terms of the maintenance agreement.
 - e. Provide a certificate of insurance per the terms of the maintenance agreement.
 - f. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation and maintenance monitoring evaluations, all in accordance with Resolution No. 2002-46.
 - Participate in the mail ballot proceeding in compliance with Proposition 218, for the Residential NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process, or
 - ii. Establish an endowment to cover future maintenance costs for the Residential NPDES Regulatory Rate Schedule.
 - g. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. The final option selected shall be in place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)
- LD38. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds and/or Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by

a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD39. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Improvement Plan Approval or Construction Permit

- LD40. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD41. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)
- LD42. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.
- LD43. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.
- LD44. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:
 - a. Corner cutbacks in conformance with City Standard MVSI-165-0 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
 - Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)
 - c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

- d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees per City Standard No. MSVI-160A-0, or as approved by the City Engineer. (MC 9.14.020)
- e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.
- LD45. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.
- LD46. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.
- LD47. (IPA) Prior to approval of the improvement plans, the developer shall pothole to determine the exact location of existing underground utilities. The improvement plans shall be designed based on the pothole field investigation results. The developer shall coordinate with all affected utility companies and bear all costs of utility relocations.
- LD48. (IPA) Prior to approval of the improvement plans, all dry and wet utility crossings shall be potholed to determine actual elevations. Any conflicting utilities shall be identified and addressed on the plans. The pothole survey data shall be submitted with the street improvement plans for reference purposes.
- LD49. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.
- LD50. (IPA) Prior to approval of the improvement plans, drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

- LD51. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)
- LD52. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department Land Development Division. (MC 9.14.110)
- LD53. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)
- LD54. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.
- LD55. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.
- LD56. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD57. (BP) Prior to issuance of a building permit, if the project involves a residential subdivision, the map shall be recorded (excluding model homes). (MC 9.14.090)

- LD58. (BP) Prior to issuance of a building permit for non-subdivision projects, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD59. (BP) Prior to issuance of a building permit for non-subdivisions, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.
- LD60. (BP) Prior to issuance of a building permit for a non-subdivision project, the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)
- LD61. (BP) Prior to issuance of a building permit for this project, the developer shall obtain a permit from the Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection of the project's storm drain line connection to the Master Drainage Plan facilities.
- LD62. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.
- LD63. (BP) Prior to issuance of a building permit, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (NPDES) as mandated by the Federal Clean Water Act. Following are the requirements:
 - a. Establish a Home Owners Association (HOA) to finance the maintenance of the "Water Quality Ponds/Bio-swales". Any lots which are identified as "Water Quality Ponds/Bio-Swales" shall be owned in fee by the HOA.
 - b. Dedicate a maintenance easement to the City of Moreno Valley.
 - c. Execute a Stormwater Treatment Device and Control Measure Access and Maintenance Covenant between the City of Moreno Valley and the HOA. The maintenance Covenant must be approved by City Council.
 - d. Establish a trust fund per the terms of the maintenance agreement.
 - e. Provide a certificate of insurance per the terms of the maintenance agreement.
 - f. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation,

maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.

 Participate in the mail ballot proceeding in compliance with Proposition 218, for the Residential NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process, or

ii. Establish an endowment to cover future maintenance costs for the Residential NPDES Regulatory Rate Schedule.

- g. Notify the Special Districts Division of the intent to obtain a building permit 90 days prior to the City's issuance of a building permit and the financial option selected. (California Government Code & Municipal Code)
- LD64. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.
- LD65. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:
 - a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
 - b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
 - c. The vendor(s) that the applicant proposes to use to haul the materials.
 - d. Facility(s) the materials will be hauled to, and their expected diversion rates.
 - e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

LD66. (BP) Prior to issuance of a building permit, the developer shall record with the County-Clerk Recorder a "Covenant and Agreement" that informs future property owners of the requirement to maintain (Lot EE, that portion of Lot EE as shown on the Grading Plans on file at the City of Moreno Valley Public Works Department) as a retention/detention basin until such time drainage improvements are made to connect to the City's storm drain system. Until such time adequate drainage improvements are constructed, the owner of (Lot EE, that portion of Lot EE described above) will not be allowed to build over, grade, or otherwise modify the retention/detention basin. The "Covenant and Agreement" shall be in a form acceptable to the City of Moreno Valley. Proof of recordation must be provided to the City prior to issuance of a building permit.

Prior to Certificate of Occupancy

- LD67. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.
- LD68. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.
- LD69. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD70. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD71. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:
 - a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

- b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
- c. City-owned utilities.
- d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
- e. Under grounding of existing and proposed utility lines less than 115,000 volts.
- f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
- LD72. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)
- LD73. (CO) Prior to issuance of a certificate of occupancy or building final for residential projects, the last 20% or last 5 units (whichever is greater, unless as otherwise determined by the City Engineer) of any Map Phase, punch list work for improvements and capping of streets in that phase must be completed and approved for acceptance by the City.
- LD74. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:
 - a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
 - b. Provide the City with an Engineer's Line and Grade Certification.
 - c. Perform and pass a flow test per City test procedures.
- LD75. (CO) Prior to issuance of a certificate of occupancy or building final for the last 20% of the permitted structures or the last five (5) permitted units (whichever is greater) for any Phase of the development, the Developer shall:
 - a. Notify City Staff (Land Development Division) prior to construction and installation of all structural BMPs so that an inspection(s) 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 basin, including regrading to approved civil drawing if necessary.
- f. Provide City with updated Engineer's Line and Grade Certification.
- g. Obtain approval from City to install irrigation and landscaping.
- h. Complete installation of irrigation and landscaping.
- LD76. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
- LD77. (CO) Prior to issuance of a certificate of occupancy or building final, the applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
 - a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP)
 - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted to the City for review and approval.

Prior to Acceptance of Streets into the City Maintained Road System

LD78. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the one-year warranty period of the public streets at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

SPECIAL CONDITIONS

- LD79. Prior to tract map and/or any grading plan approval, the plans shall clearly show the extents of all existing easements on the property. All building structures shall be constructed outside of existing easements.
- LD80. Prior to tract map and/or any grading plan approval, written permission must be obtained from off-site property owner(s) for all off-site grading and easements. All on-site and off-site easements shall be shown on the final map.
- LD81. Prior to approval of the tract map, the map shall show the following:

 (Prior to grading plan approval the following shall be submitted to the City for review and approval:)
 - a. A 7-foot street right-of-way vacation on the north side of Delphinium Avenue along project south frontage for a Collector street, City Standard Plan MSVI-106B-0.
 - b. A 3-foot pedestrian easement right-of-way dedication on the north side of Delphinium Street along project south frontage.
 - c. Corner cutbacks right-of-way dedication per City Standard MVSI-165-0 at the private street intersections with the public streets.
- LD82. Prior to any grading plan approval, the plans shall clearly show that any slope near the public right-of-way has a minimum set-back area at 2% maximum of 2 feet before the start of the top or toe of slope. If the vertical height of the slope exceeds 10 feet, this set-back area shall be 3 feet minimum. For areas with curb-separated sidewalk with back of walk (BOW) outside of the R/W, the 2-foot flat area shall be measured from BOW.
- LD83. Prior to any grading plan approval, the developer shall incorporate into the plan the recommendations made in a Soil/Geotechnical Report for the project grading and adjacent streets recommendations and requirement.
- LD84. Prior to any grading plan approval, the grading plans shall clearly demonstrate that drainage is properly collected and conveyed. The plans shall show all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements. The developer will be

required to obtain the necessary permission for offsite construction including easements. Drainage improvements may include connection to the existing storm drain line in Delphinium Avenue.

- LD85. Prior to approval of any grading plan, the plans and the submitted drainage study shall clearly demonstrate this project's increased runoff mitigation. This project shall not discharge runoff at a rate greater in the post developed condition than that in the pre-developed condition, for any given storm event. The storms to be studied include the 1-hour, 3-hour, 6-hour and 24-hour duration events for the 2-year, 5-year, 10-year and 100-year return frequencies.
- LD86. Prior to any grading plan approval, as this entire site resides in FEMA flood zone designation Zone X shaded which, by definition, could include 100 year flooding up to 1 foot. The plans shall clearly demonstrate that any building finished floor elevations shall be 1 foot minimum above the 100-year base flood elevation.
- LD87. Prior to any grading plan approval, the plans shall clearly demonstrate that any sump catch basins, including but not limited to those on Street 'C', as shown on the tentative map, are designed such that there is an emergency escape for drainage overflow in the event that the basin inlets become clogged. This might include, but not be limited to, over sizing the catch basin inlets, providing an approved emergency overflow path, or other method as approved by the City Engineer during the design/plan check stage.
- LD88. Prior to final map approval, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.
 - a. Perris Blvd, Six Lane Arterial, City Standard MSVI-103C-0 (100-foot RW / 76-foot CC) shall construct to half-width plus an additional 18 feet west of the centerline, along the entire project's east frontage. Improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, repair or replace any damaged structures, replace substandard improvements, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and

wet utilities. This project will be required to construct a raised, landscape median on Perris Boulevard along project frontage.

- Cactus Avenue, Minor Arterial, City Standard MVSI-105A-0 (88-foot b. RW / 64-foot CC) street improvements have been constructed. The developer shall replace any existing damage improvements along the project frontage and pavement replacement to half-width plus an additional 12 feet north of the centerline, along the entire project's north frontage. Improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, repair or replace any damaged structures, replace substandard improvements, pedestrian ramps, including making a good faith effort to obtain that portion of right-of-way from the adjacent property owner of APN 482-582-033 required to complete construction of the westerly curb return at the Cactus Avenue project entrance, and undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.
- Delphinium Avenue, Collector, City Standard MVSI-106B-0 (78-foot C. RW / 56-foot CC) shall be constructed to half-width plus an additional 14 feet south of the centerline, along the entire project's south frontage any missing improvements. A 7-foot right-of-way vacation on the north side of the street, along the project's south property A 3' pedestrian easement line, shall be shown on the tract map. shall be dedicated along the south property frontage and shall be shown on the tract map. Improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, repair or replace damaged structures, improvements, pedestrian ramps, dry and wet utilities,. This project will be required to construct any missing pavement, curb, gutter, and sidewalk along APN 482-230-015 and 482-230-016 and northwest corner intersection improvements, including handicap access ramp at Delphinium Avenue and Perris Boulevard.
- d. All ramps and traveled ways shall comply with current ADA standards.

- e. Pavement core samples of existing pavement may be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a one-tenth inch grind and overlay or slurry seal depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
- f. The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines.

LD89. Prior to any grading plans approval, the plans shall show an approved concrete drainage ditch along the north and west property boundary retaining walls where slopes and walls meet. The concrete drainage ditch shall convey slope runoff to proposed private drain inlets.

- LD90. Prior to issuance of occupancy permits, all overhead utility lines less than 115,000 volts fronting or within the entire project site boundary shall be placed underground per Section 9.14.130C of the City Municipal Code.
- LD91. Prior to final map approval or building permit issuance, the applicant shall schedule a walk through with a Public Works Inspector to inspect existing improvements within public right-of-way along project frontage. The applicant will be required to install, replace and/or repair any missing, damaged or substandard improvements including handicap access ramps that do not meet current City standards. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
- LD92. Prior to final map approval, the limits of private and public streets shall be clearly delineated on the map. The developer shall dedicate those streets intended for public use to the City and construct them per City standards. The developer shall sign a public improvement agreement and post security for public improvements.

- LD93. It may be necessary for the developer to remove/relocate/reconstruct driveways, fences, gates, landscaping and other items, as required, for the full width curb-to-curb construction. It may be necessary for the developer to grade or construct on private property in which case the developer will be required to obtain right-of-entry.
- LD94. Prior to rough grading plan approval, the plans shall show proposed mechanisms to treat onsite runoff before it enters into the public storm drain system. The plans shall show locations of proposed structural best management practices. The developer shall submit to the City for review and approval, those structural best management practices proposed onsite to control predictable pollutant runoff. The developer shall select those structural best management practices identified in Supplement A and Supplement A Attachment to the Riverside County Drainage Area Management Plans. www.floodcontrol.co.riverside.ca.us The developer shall first maximize the use of site design and source control best management practices before selecting treatment control best management practices.
- LD95. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP) for PA14-0014/0015 Perris-Cactus Development Tract 36708. The FWQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" latest edition. The F-WQMP shall be submitted and approved prior to application for and issuance of any grading permits or building 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. Incorporate the use of bio-retention facilities as design and provided in a F-WQMP Report for LID BMP's and installed the facilities as outlined for effective areas within the project site.

LD96. The following project engineering design plans (24"x36" sheet size) shall be submitted for review and approval as well as additional plans deemed necessary by the City during the plan review process:

- a. Rough Grading Plan
- b. Precise Grading Plan
- c. Street Improvement Plan
- d. Signing and Striping Plan
- e. Traffic Control Plan
- f. Final Drainage Study

- g. Final WQMP
- h. Lot Line Adjustment
 g. As-Built Plans of all "plans" listed above.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA14-0014 and PA14-0015; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Financial & Management Services Department 951.413.3480 or by emailing specialdistricts@moval.org.

General Conditions

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.
- SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into a City coordinated landscape maintenance program, shall be prepared and submitted in accordance with the City of Moreno Valley Public Works Department Landscape Design Guidelines. To obtain a copy of these guidelines, please contact the Special Districts Division at 951-413-3480 or visit the Special Districts webpage at www.moval.org/sd.
- SD-3 The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/ or median landscape maintenance for a period of one (1) year as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the District accepts maintenance responsibilities.
- SD-4 Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be immediately repaired/replaced

by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.

- SD-5 The ongoing maintenance of any landscaping required to be installed behind the curb on **Delphinium Avenue**, **Cactus Avenue and Perris Boulevard** shall be the responsibility of the property owner.
- SD-6 Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
- SD-7 Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)
- SD-8 Street light Authorization forms, for all street lights that are conditioned to be installed as part of this project, must be submitted to the Special Districts Division for approval, **prior to** street light installation. The Street light Authorization form can be obtained from the utility company providing electric service to the project, Southern California Edison.

Prior to Recordation of Final Map

- SD-9 (R) This project has been conditioned to provide a funding source for the continued maintenance, enhancement, and or retrofit of parks, open spaces, linear parks, and/or trail systems. In order for the Developer to meet the financial responsibilities to fund the defined maintenance, one of the options as outlined below shall be selected.
 - a. Participate in a special election for annexation into Community Facilities District No. 1 and pay all associated costs of the special election process and formation costs if any; or
 - Establish an endowment to cover future maintenance costs for new neighborhood parks.

The Developer must notify Special Districts of its selected financial option 90 days prior to City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Articles 13C of the California Constitution.

Annexation to CFD No. 1 shall be completed <u>or</u> proof of payment to establish the endowment shall be provided prior to the issuance of the first building permit for this project.

- SD-10 (R) This project has been identified to be included in the formation of a Community Facilities District for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the Developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of its intent to record the final map 90 days prior to City Council action authorizing recordation of the map to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)
- SD-11 (R) This project is conditioned to provide a funding source for capital improvements, energy charges, and maintenance for residential street lighting along publically maintained roadways. The Developer shall satisfy this condition with one of the options below.
 - a. Participate in a ballot proceeding for street lighting and pay all associated costs of the ballot process and formation costs, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
 - b. Establish an endowment fund to cover future operation and maintenance costs for the street lights.
 - c. Projects with privately maintained streets, establish a property Owner Association (POA) or Home Owner's Association (HOA) which will be responsible for any and all operation and maintenance costs associated with the street lights installed on private roadways. This does not apply to publicly accepted roadways.

The Developer must notify the Special Districts Division of its selected financial option 90 days <u>prior to</u> City Council action authorizing recordation

of the final map for the development to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution.

The financial option selected shall be in place prior to the issuance of the first certificate of occupancy.

- SD-12 (R) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Perris Boulevard** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the options as outlined below shall be selected.
 - a. Participate in a special election (mail ballot proceeding) for improved median maintenance and pay all associated costs with the ballot process and formation costs, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the city; or
 - b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The Developer must notify Special Districts of intent to record final map 90 days prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance.

The financial option selected shall be in place prior to the issuance of the first certificate of occupancy.

- SD-13 (R) This project is conditioned to provide a funding source for the capital improvements and/or maintenance of public improvements and/or services associated with new development in that territory if the District for these services has been or is in the process of being formed. The Developer shall satisfy this condition with one of the options below:
 - a. Participate in a special election for maintenance/services and pay all associated costs of the election process and formation costs, if any. Financing may be structured through a Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or

b. Establish an endowment fund to cover the future maintenance and/or service costs.

The Developer must notify the Special Districts Division of its selected financial option 90 days <u>prior to</u> City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution.

The financial option selected shall be in place prior to the issuance of the first certificate of occupancy.

SD-14 Residential (R) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide for, but is not limited to, stormwater utilities services for the required continuous operation, maintenance, monitoring, system evaluations and enhancements, remediation and/or replacement of. The Developer must notify the Special Districts Division of its selected financial option 90 days prior to City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Article 13D of the California Constitution. (California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)

Prior to Building Permit Issuance

- SD-15 (BP) Prior to the issuance of the first building permit for this project, the Developer shall pay Advanced Energy fees for all applicable Residential and Arterial Street Lights required for this development. Payment shall be made to the City of Moreno Valley and collected by the Land Development Division. Fees are based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges, and Rates adopted by City Council. The Developer shall provide a copy of the receipt to the Special Districts Division (specialdistricts@moval.org). Any change in the project which may increase the number of street lights to be installed will require payment of additional Advanced Energy fees at the then current fee.
- SD-16 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval to be maintained by the City shall be reviewed and approved by the Community and Economic Development Department-Planning Division, the Financial & Management Services Department-Special

Districts Division, and the Public Works Department-Transportation Division prior to the issuance of the first Building Permit.

SD-17 (BP) Parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of 25% (or the 30th building permit) of the dwelling permits for this tract or 12 months from the issuance of the first dwelling permit, whichever comes first. In cases where a phasing plan is submitted, the actual percentage of dwelling permits issued prior to the completion of the landscaping shall be subject to the review of the construction phasing plan.

Prior to Certificate of Occupancy

SD-18 (CO) Landscape and irrigation plans for parkway, median, slope, and/or open space landscape areas designated to be maintained by the City shall be placed on compact disk (CD) in pdf format. The CD shall include "As Built" plans, revisions, and changes. The CD will become the property of the City of Moreno Valley and the Moreno Valley Community Services District.

Transportation Engineering Division - Conditions of Approval

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

- TE1. Cactus Avenue is classified as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-0. Any improvements to the roadway shall be per City standards or as approved by the City Engineer.
- TE2. Perris Boulevard is classified as a 6-Lane Divided Arterial (110'RW/86'CC) per City Standard Plan No. MVSI-103C-0. Raised median along Perris Boulevard shall be constructed as a part of the project. Traffic Signal Interconnect per City Standard Plan No. MVSI-186-0 shall be installed along project frontage. Any improvements undertaken by this project shall be consistent with the City's standards for this facility or as approved by the City Engineer.
- TE3. Delphinium Avenue is classified as a Collector (66'RW/44'CC) per City Standard Plan No. MVSI-106B-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility or as approved by the City Engineer.
- TE4. Driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code - Design Guidelines and shall be designed and constructed as intersections with Pedestrian Access Ramps per City of Moreno Valley Standard No. MVSI-114A-0.
- TE5. The Cactus Avenue gated entrance shall be provided with the following:

a) A storage lane with 40' provided for queuing.

b) A second storage lane for visitors to stop in prior to the gate 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.

g) Presence loop detectors (or another device) within 1 to 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE6. Conditions of approval may be modified or added if a phasing plan is submitted for this development.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

- TE7. Prior to the final approval of the street improvement plans, the project applicant shall design a bus bay per City Standard Plan No. MVSI-161-0 in the southbound Perris Boulevard direction, south of Cactus Avenue.
- TE8. 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.
- TE9. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.
- TE10. Prior to final approval of the street improvement plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

- TE11. (CO) Prior to issuance of a Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
- TE12. (CO) Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE13. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.

POLICE DEPARTMENT

Standard Conditions

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080)
- PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
 - a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number. (DC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community and Economic Development Department Building Division for routing to the Police Department. (DC 9.08.080)
- PD4. Addresses needs to be in plain view visible from the street and visible at night. It needs to have a backlight, so the address will reflect at night or a lighted address will be sufficient.

PUBLIC WORKS DEPARTMENT

Moreno Valley Utility

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project(s) PA14-0014, and PA14-0015; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3500. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

PRIOR TO ENERGIZING MVU ELECTRIC UTILITY SYSTEM AND CERTIFICATE OF OCCUPANCY

MVU-1 (CO) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, or apartment, and it requires the installation of electric distribution facilities within common areas, a perpetual non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

For a commercial or industrial project a non-exclusive blanket easement shall be provided to Moreno Valley Utility. In the event a non-exclusive blanket easement cannot be provided, a perpetual non-exclusive specific easement shall be provided to Moreno Valley Utility. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

MVU-2 (CO) City of Moreno Valley Municipal Utility Service – Electrical Distribution: Prior to constructing the MVU Electric Utility System, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and

provides financial security to guarantee completion and dedication of the utility system.

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

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

- MVU-3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. Payment shall be required prior to issuance of building permits.
- MVU-4 For all new projects, existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer expense, for any and all costs associated with the relocation of any of Moreno Valley Utility's underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

NEGATIVE DECLARATION

PROJECT TITLE AND FILE NUMBER: PA14-0014 (Conditional Use Permit for a Planned Unit Development) and PA14-0015 (Tentative Tract Map No. 36708)

PROJECT APPLICANT: Nova Homes **TELEPHONE NUMBER:** (949) 640-4800

PROJECT LOCATION: Southwest corner of Perris Blvd & Cactus Ave (south to Delphinium Ave)

APN(s): 482-582-038, 039, 040 & 482-230-024

PROJECT DESCRIPTION: Tentative Tract Map 36708 (PA14-0015) merges approximately 15.92 acres of land into one parcel with 122 residential units and 20 lettered lots for private streets and landscape purposes. The second application is a Conditional Use Permit (PA14-0014) for a Planned Unit Development (PUD) that provides design standards for the condominium complex and also provides private/common recreational opportunities.

FINDING

The City of Moreno Valley has reviewed the above project in accordance with the City of Moreno Valley's Guidelines for the Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report need not be prepared because:

- The proposed project will not have a significant effect on the environment. []
- Although the proposed project could have a significant effect on the environment, there will not be a significant [X] effect in this case because mitigation measures described in the attached Initial Study and hereby made a part of this Negative Declaration. The Final Conditions of Approval contain the final form and content of all mitigation measures.

This determination is based upon an Initial Study. The project file, including the Initial Study and related documents is available for review during normal business hours (Monday through Thursday and 7:30 a.m. to 1:30 p.m. on the second and fourth Friday of the month) at the City of Moreno Valley, Community & Economic Development Department, Planning Division, 14177 Frederick Street, Moreno Valley, California 92553, Telephone (951) 413-3206.

PREPARED BY:

Claudia Manrique, Associate Planner

DATE: December 11, 2014

NOTICE

The public is invited to comment on the Mitigated Negative Declaration. The appropriateness and adoption of the Mitigated Negative Declaration is considered at the time of project approval in light of comments received.

DATE ADOPTED: ________BY:

Attachment 3

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Isla Verde 122-Unit Single-Family Townhomes Conditional Use Permit Initial Study/Mitigated Negative Declaration

Prepared for:
City of Moreno Valley
Community & Economic Development Department
Planning Division
14177 Frederick Street
Moreno Valley, CA 82552

Prepared by: Clark Seif Clark (CSC), Inc. 110 Pine Avenue, Suite 925 Long Beach, CA 90802

Telephone: (562) 435-8080 Facsimile: (562) 590-8795

CSC Project Identification: 4006731

November 26, 2014

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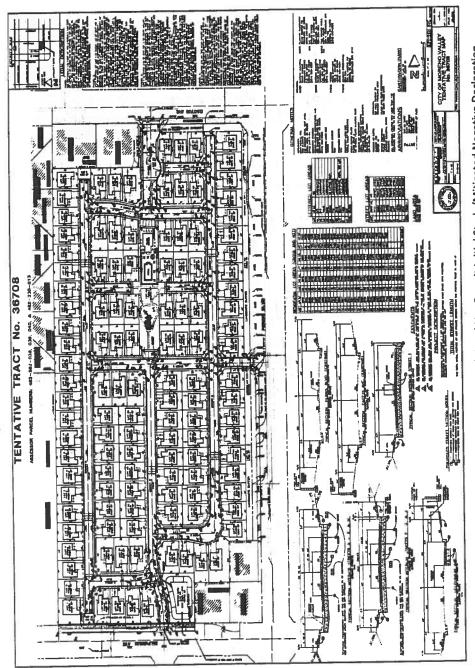
INITIAL STUDY/ENVIRONMENTAL CHECKLIST FORM

- 1. Project title: Isla Verde 122-Unit Single-Family Townhomes Conditional Use Permit (CUP)
- 2. Lead agency name and address: City of Moreno Valley Community & Economic Development Department, Planning Division, 14177 Frederick Street, Moreno Valley, CA 92552
- 3. Contact person and phone number: Claudia Manrique, Senior Planner, (951) 413-3206
- 4. **Project location:** 24939 Cactus Avenue/Southwest Corner of Perris Boulevard and Cactus Avenue, Moreno Valley, CA 92553
- 5. **Project sponsor's name and address**: Thomas Mungari, Nova Homes, Inc., 245 Fischer Drive, Unit A-8A, Costa Mesa, CA 92626
- 6. General plan designation: Residential/Office (R/O)
- 7. Zoning: Planned Unit Development (PUD)
- 8. Description of project: The proposed project is a 15.9-acre Single Lot Condominium Development Subdivision (Figure 1 Proposed Preliminary Site Plan for Isla Verde) improved with 122 free-standing, single-family residences with shared open space. The project would include the following amenities: clubhouse, swimming pool, and child-play area (Tot Lot) totaling 20,543 square feet (sf) of land area. The project would also include approximately 31,447 sf of landscaping, and a 10,508-square-foot detention basin. The proposed lot sizes range in area from 3,378 sf to 4,999 sf, and would be occupied with dwellings ranging in living area from 2,054 sf (3 to 4 bedrooms) to 2,696 sf (5 bedrooms with loft).

The proposed project would include six-foot high solid decorative block walls (required) along the northern, southern and eastern perimeters of the project for noise abatement.

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- 9. Surrounding land uses and setting: Land uses surrounding the proposed project are as follows:
 - North Single-family residential tract;
 - East Single-family residential tract, open space, Childtime child care facility, and free-standing single-family residences;
 - South Single-family residential tract;
 - East Chaparral Hills Elementary School and Badger Springs Middle School.
- 10. Other public agencies whose approval is required: Santa Ana Regional Water Quality Control Board (Construction Activity General Construction Permit; NPDES Permit), Riverside County Flood Control and Water Conservation District (Water Quality Management Permit and storm drain design), and Eastern Municipal Water District (domestic water and sewer system design).

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.

	Aesthetics	Agriculture and Forestry Resources	Air Quality
	Biological Resources	Cultural Resources	Geology /Soils
	Greenhouse Gas Emissions	 Hazards & Hazardous Materials	Hydrology/Water Quality
	Land Use/Planning	Mineral Resources	Noise
旦	Population/Housing	Public Services	Recreation
	Transportation/Traffic	Utilities/Service Systems	Mandatory Findings of Significance

Isla Verde 122-Unit Single-Family Townhomes Condit ₋₂₄₅₋ e Permit Initial Study/Mitigated Negative Declaration

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DETERMINATION:	
On the basis of this initial evaluation:	
☐ I find that the proposed project COULD NOT have a significant ef NEGATIVE DECLARATION will be prepared.	fect on the environment, and a
☑ I find that although the proposed project could have a significant ewill not be a significant effect in this case because revisions in the project by the project proponent. A MITIGATED NEGATIVE DECLARATION will	ect have been made by or agreed
[] I find that the proposed project MAY have a significant effect ENVIRONMENTAL IMPACT REPORT is required.	t on the environment, and an
I find that the proposed project MAY have a "potentially significant unless mitigated" impact on the environment, but at least of analyzed in an earlier document pursuant to applicable legal standard mitigation measures based on the earlier analysis as described ENVIRONMENTAL IMPACT REPORT is required, but it must analyze or addressed.	ne effect 1) has been adequately s, and 2) has been addressed by bed on attached sheets. An
I find that although the proposed project could have a signific because all potentially significant effects (a) have been analyzed a NEGATIVE DECLARATION pursuant to applicable standards, and (b) I pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisant imposed upon the proposed project, nothing further is required.	adequately in an earlier EIR or have been avoided or mitigated
Signature	Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 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 (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 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.
- 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.

Isla Verde 122-Unit Single-Family Townhomes Conditional Use Permit Initial Study/Mitigated Negative Declaration

- "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 (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 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 negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 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 significance.

ENVIRONMENTAL ISSUES

Environmental Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?			\boxtimes	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				

II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

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Environmental Issues:	Less Than Significant			
	Potentially Significant Impact	with 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?				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			\boxtimes	
c) 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 Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				
d) Result in the loss of forest land or conversion of forest land to non-forest use?				
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?				
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
 a) Conflict with or obstruct implementation of the applicable air quality plan? 		X		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		\(\frac{1}{2}\)
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?		X		
e) Create objectionable odors affecting a substantial number of people?			\boxtimes	
IV. BIOLOGICAL RESOURCES: Would the project:				

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Environmental Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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 Game or U.S. Fish and Wildlife Service?				
b) 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 Game or US Fish and Wildlife Service?				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
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?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			\boxtimes	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local,			\boxtimes	

regional, or state habitat conservation plan?

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Environmental Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
 a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? 		X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		X		
 c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? 		X		
d) Disturb any human remains, including those interred outside of formal cemeteries?		X		
VI. GEOLOGY AND SOILS. Would the project:				
 a) 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.				
ii) Strong seismic ground shaking?			\boxtimes	
iii) Seismic-related ground failure, including liquefaction?			\boxtimes	
iv) Landslides?			\bowtie	П
b) Result in substantial soil erosion or the loss of topsoil?			\boxtimes	
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?				

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Environmental Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				
<u>VII. GREENHOUSE GAS EMISSIONS.</u> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			\boxtimes	
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? 				
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?				\boxtimes
 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? 				
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?				

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Environmental issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 for people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				\boxtimes
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?				
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			14%	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in				

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Environmental Issues:		Less Than Significant		
	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				
e) 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?				
f) Otherwise substantially degrade water quality?				\boxtimes
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				
j) Inundation by seiche, tsunami, or mudflow?				\boxtimes
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?			\boxtimes	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				

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Environmental Issues:		Less Than Significant		
	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				
XI. MINERAL RESOURCES. Would the project:				
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?				
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?	i.			
XII. NOISE — Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			\boxtimes	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			\boxtimes	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			\boxtimes	
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 expose people residing or working in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				\boxtimes

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Environmental Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial 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)?				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				\boxtimes
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				\boxtimes
XIV. PUBLIC SERVICES.				
a) 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:				
Fire protection?			\boxtimes	
Police protection?			\boxtimes	
Schools?				
Parks?			\boxtimes	
Other public facilities?			\bowtie	
XV. RECREATION.				
a) 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?

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Environmental Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) 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?				
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			i i	\boxtimes
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				
e) Result in inadequate emergency access?				\boxtimes
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				

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Environmental Issues:			Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			\boxtimes	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				
e) 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?				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			\boxtimes	
g) Comply with federal, state, and local statutes and regulations related to solid waste?	· 🗌		\boxtimes	
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.	_			
a) Does the project have the potential to 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, reduce the number or restrict the range of a rare or endangered plant or animal celiminate important examples of the major periods of California history or prehistory?			n	
b) Does the project 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				

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Environmental Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
other current projects, and the effects of probable future projects)?					
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			\boxtimes		

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IMPACT DISCUSSION

This Initial Study/Mitigated Negative Declaration (IS/MND) tiers from and incorporates by reference the following document:

City of Moreno Valley General Plan Final Program Environmental Impact Report (MVGP FEIR)¹

Section 15152 of the CEQA Guidelines² state that tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan. Subsequent activities must be examined in light of the Moreno Valley General Plan Final Program Environmental Impact Report (MVGP FEIR) to determine whether an additional environmental document must be prepared.³ If a subsequent project or later activity would have effects that were not examined in the MVGP FEIR, or not examined at an appropriate level of detail to be used for the subsequent activity, a new initial study would need to be prepared in accordance with CEQA to determine the appropriate environmental document needed. If the City finds that pursuant to Section 15152 and Section 15168 of the CEQA Guidelines that no new effect could occur or no new mitigation would be required for a subsequent project, the City can approve the activity as being within the scope of the project covered by this Program EIR and no new environmental documentation would be required. Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects.

The City of Moreno Valley General Plan Program EIR is available for public review at the City of Moreno Valley Community and Economic Development Department, 14177 Frederick Street, P.O. Box 88005, Moreno Valley, California 92552-0805.

This IS/MND also relies on the following documents:

- City of Moreno Valley General Plan (MVGP).
- City of Moreno Valley Municipal Code (MVMC).4
- Synectecology. Air Quality Analyses for the Isla Verde Residential Development to be Located in the City of Moreno Valley. January 2014. (Appendix A).
- David Magney Environmental Consulting. Burrowing Owl Preconstruction Survey for Nova Homes, Inc., Isla Verde Site. January 2014. (Appendix B).
- Soils Southwest, Inc. Phase I Environmental Site Assessment (ESA) Proposed Residential Development Cactus Avenue & Perris Boulevard, Moreno Valley, California. August 2013. (Appendix C).
- Soils Southwest, Inc. Preliminary Report of Soils and Foundation Evaluations Proposed Residential Development SWC Perris Boulevard & Cactus Avenue, City of Moreno Valley, Riverside County, California. September 2013. (Appendix D).
- Prizm Group. Preliminary Project-Specific Water Quality Management Plan. January 2014.
- Synectecology. Noise Impacts Analyses for the Isla Verde Residential Development to be Located in the City of Moreno Valley. January 2014. (Appendix E).

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¹ City of Moreno Valley. 2006. Moreno Valley General Plan Final Program EIR. http://www.moreno-valley.ca.us/city hall/general plan.shtml

² California Code of Regulations. 2013. Title 14. Chapter 3: Guidelines for Implementation of the California Environmental Quality Act. §15152(a) Tiering.

³ MVGP FIER. 1.0 – Introduction.

⁴ City of Moreno Valley Municipal Code: http://qcode.us/codes/morenovalley/

- PCR Services Corporation. Cultural Resources Assessment for the Proposed Isla Verde Residential Development Project, City of Moreno Valley, County of Riverside California. January 31, 2014. (Appendix F).
- Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Final EIR, certified October 2003.
- Riverside County Airport Land Use Commission. March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan. June 2013.

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AESTHETICS

Thresholds of Significance – Would the project:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact (a-d): The proposed project is located in the City of Moreno Valley in the relatively flat valley floor surrounded by the Box Springs Mountains and Reche Canyon area to the north, the "Badlands" to the east, and the Mount Russell area to the south. These features provide the City with outstanding scenic vistas. In addition, views of the San Bernardino and San Gabriel Mountains are evident at times from the valley floor⁵ – views that would remain available to the site and vicinity after development of the proposed project. However, review of the MVGP Figure 7-2⁶ indicates the proposed project is not located on or near a state scenic highway, nor geographically located such that it would have an adverse effect on a scenic vista.

Design of the proposed project would incorporate MVGP objectives, goals, and policies that foster visually attractive development, and comply with MVMC guidelines that regulate the aesthetic quality of new development with respect to structures, signs, walls, landscaping and other improvements. Existing regulations would also regulate lighting for the proposed project such that it would not cause excessive light and glare on adjacent properties. Development of the proposed project in accordance with relevant MVGP objectives, goals, and policies below would insure that the proposed project would result in a less than significant impact to Aesthetics.

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⁵ City of Moreno Valley. 2006. Moreno Valley General Plan Final Program EIR. Chapter 5.11–Aesthetics.

⁶ Ibid. Figure 5.11-1, Major Scenic Resources.

⁷ City of Moreno Valley. 2006. Moreno Valley General Plan. Chapter 9 – Goals and Objectives. http://www.moreno-valley.ca.us/city hall/general plan.shtml

AGRICULTURE AND FORESTRY RESOURCES

Thresholds of Significance – Would the project:

- 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?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) 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 Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 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?

Less Than Significant Impact (a-e): The City of Moreno Valley has a long history of agricultural use, including grazing, groves, dry grain, and truck crop production. Lands currently used for agriculture are concentrated in the eastern portion of the City. However, the proposed property and vicinity are currently zoned for residential/office uses, and designated in the MVGP as *Urban and Built-Up Land* (Figure 5.8-1 – *Important Farmlands*). Therefore, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, conflict with existing zoning or a Williamson Act contract, cause rezoning of forest land, or result in changes in the existing environment that could result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

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City of Moreno Valley. 2006. Moreno Valley General Plan FEIR. Chapter 5.8 –Agricultural Resources.

AIR QUALITY

Thresholds of Significance – Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact With Mitigation (a): The proposed project is located in the South Coast Air Basin (SCAB). The South Coast Air Quality Management District (SCAQMD) and the Southern California Association of Governments (SCAG) are the agencies responsible for preparing the Air Quality Management Plan (AQMP) for the SCAB. Since 1979, a number of AQMPs have been prepared. The AQMP was designed to comply with State and federal requirements, reduce the high level of pollutant emissions in the SCAB, and ensure clean air for the region through various control measures. To accomplish its task, the AQMP relies on a multilevel partnership of governmental agencies at the federal, State, regional, and local level. These agencies (i.e., the United States Environmental Protection Agency (USEPA), CARB, local governments, SCAG, and SCAQMD) are the cornerstones that implement the AQMP programs.

On December 7, 2012, the SCAQMD adopted the 2012 Air Quality Management Plan. The purposes of the 2012 AQMP for the Basin are to set forth a comprehensive and integrated program that will lead the Basin into compliance with the federal 24-hour PM_{2.5} air quality standard, to satisfy the planning requirements of the federal Clean Air Act, and to provide an update to the Basin's commitments towards meeting the federal 8- hour ozone standards. It will also serve to satisfy the recent USEPA proposed requirement for a new attainment demonstration of the revoked 1-hour ozone standard, as well as a VMT emissions offset demonstration. Specifically, the Plan will serve as the official SIP submittal for the federal 2006 24-hour PM_{2.5} standard, for which USEPA has established a due date of December 14, 2012. In addition, the 2012 AQMP will update specific new control measures and commitments for emissions reductions to implement the attainment strategy for the 8-hour ozone SIP, and thus help to reduce reliance on CAA Section 182(e)(5) long-term measures. Once approved by the District Governing Board and CARB, the 2012 AQMP will be submitted to USEPA as the 24-hour PM_{2.5} SIP addressing the 2006 PM_{2.5} NAAQS and as a limited update to the approved 8-hour ozone SIP. The 1-hour ozone attainment demonstration and VMT emissions offset demonstration will also be submitted through CARB to the USEPA.

The 2012 AQMP also includes an update on the air quality status of the Salton Sea Air Basin (SSAB) in the Coachella Valley, a discussion of the emerging issues of ultrafine particle and near-roadway exposures, a report on the health effects of $PM_{2.5}$, and an analysis of the energy supply and demand issues that face the Basin and their relationship to air quality. Pursuant to statute, the public hearing will also discuss the report on health effects of $PM_{2.5}$ (Health & Safety Code §40471).

The 2012 AQMP incorporates the most recent planning assumptions and the best available information including: revised stationary point and area source emissions inventories; on-road and off-road mobile source emissions inventories based on CARB's latest EMFAC2011 and Off-Road Models; the use of new meteorological episodes for ozone and expanded air quality modeling analysis; and the latest demographic growth forecasts based on the approved 2012 Regional Transportation Plan (2012 RTP) developed by SCAG.

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⁹ Synectecology. January 2014. Air Quality Analyses for the Isla Verde Residential Development to be Located in the City of Moreno Valley.

The CEQA requires that projects be consistent with the AQMP. A consistency determination plays an essential role in local agency project review by linking local planning and unique individual projects to the AQMP in the following ways: (1) it fulfills the CEQA goal of fully informing local agency decision-makers of the environmental costs of the project under consideration at a stage early enough to ensure that air quality concerns are fully addressed; and (2) it provides the local agency with ongoing information assuring local decision-makers that they are making real contributions to clean air goals contained in the AQMP.

Only new or amended general plan elements, specific plans, and regionally significant projects need to undergo a consistency review. This is because the AQMP strategy is based on projections from local general plans. Projects that are consistent with the local general plan are, therefore, considered consistent with the air quality management plan.

As proposed, the Applicant seeks approval for a 122-unit residential development on 16.3 gross acres of land. The project represents infill development in an existing residential area. With the included mitigation, neither the construction (Table 1), nor the operation (Table 2) of the project is projected to exceed the daily threshold values suggested by the SCAQMD. Additionally, with the provided mitigation, the project would not result in significant localized air quality impacts. As such, the project is consistent with the goals of 2012 AQMP and, in that respect, does not present a significant air quality impact.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Construction:

Less Than Significant With Mitigation (b): The potential air quality impacts associated with and attributable to the construction and operation of the project are addressed separately below.

Air quality impacts may occur during site preparation and construction activities required to implement the proposed land uses. Major sources of emissions during construction include exhaust emissions, fugitive dust generated as a result of soil and material disturbance during site preparation and grading activities, and the emission of ROGs during the painting of the structures.

As noted, the project involves the construction of 122 single-family, detached residential units. Based on the proposed land use, by default the CalEEMod model allocates the construction over 380 working days and this schedule was retained for the analysis. Construction is assumed to begin in January 2015 and end in July 2016.

SCAQMD's Rule 403 governs fugitive dust emissions from construction projects. This rule sets forth a list of control measures that must be undertaken for all construction projects to ensure that no dust emissions from the project are visible beyond the property boundaries. Adherence to Rule 403 is mandatory and as such, does not denote mitigation under CEQA. The following analysis assumes the use of the minimal measures specified in Rule 403 that overlap between the rule and the CalEEMod model. These include: (1) soil stabilizers shall be applied to unpaved roads; (2) ground cover shall be quickly applied in all disturbed areas; and (3) the active construction site shall be watered twice daily. The model assigns a control efficiency of 55 percent for twice daily watering and a similar efficiency

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was assumed for other controlled dust-producing, heavy equipment activities. In actuality, Rule 403 specifies several measures that the CalEEMod model does not consider (Table 4), so the modeled $PM_{2.5}$ emissions associated with fugitive dust are considered conservative.

Table 1 includes the daily emissions projected for site construction. As indicated in the table, ROG emissions given off from the application of paints and coatings could exceed the daily threshold during building construction and mitigation is warranted to reduce this impact to less than significant.

				Table	_					
C	OMPARI!						N EMIS	SSIONS	5	
AND DAILY CRITERIA VALUES (pounds/day)										
Source	ROG	NOx	со	SO ₂	PM ₁₀ Dust	PM ₁₀ Exhaust		PM _{2.5} Dust		PM _{2.5} Total
Site Preparati	ion							(4)		
Off Road Diesel	5.26	56.84	42.59	0.04	3.66	3.09	6.74	2.01	2.84	4.85
Worker Trips	0.43	0.10	1.14	0.00	0.20	0.00	0.20	0.05	0.00	0.05
Totals	5.69	56.94	43.73	0.04	3.86	3.09	6.94	2.06	2.84	4.90
Grading	<u> </u>	<u></u>				<u></u>				_
Off Road Diesel	6.77	78.97	50.79	0.06	1.76	3.80	5.56	0.73	3.49	4.22
Worker Trips	0.47	0.11	1.26	0.00	0.22	0.00	0.23	0.06	0.00	0.06
Totals	7.24	79.08	52.05	0.06	1.98	3.80	5.79	0.79	3.49	4.28
Building Cons	struction		-							
Off Road	3.66	30.03	18.74	0.03	0.00	2.12	2.12	0.00	1.99	1.99
Vendor Trips	0.27	1.37	1.49	0.00	0.09	0.03	0.12	0.03	0.03	0.05
Worker Trips	1.09	0.25	2.90	0.03	0.51	0.00	0.52	0.14	0.00	0.14
Totals	5.02	31.65	23.13	0.04	0.60	2.15	2.76	0.17	2.02	2.18
Asphalt Pavi	ng		1	1	! —					
Off Road Diesel	d 2.09	22.37	14.80	0.0	2 0.00	1.26	1.26	0.00	1.16	1.16
Worker Trips	0.33	0.07	0.85	0.0	0 0.17	7 0.00	0.17	7 0.04	0.00	0.05
Asphalt Totals	2.42	22.44	15.65	0.0	2 0.17	7 1.26	1.43	3 0.04	1.16	1.21
Coating			<u> </u>							

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Table 1 COMPARISON OF PROJECTED CONSTRUCTION EMISSIONS AND DAILY CRITERIA VALUES

	(pounds/day)									
Off-Gas	117.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off Road Diesel	0.37	2.37	1.88	0.00	0.00	0.20	0.20	0.00	0.20	0.20
Worker Trips	0.20	0.04	0.51	0.00	0.10	0.00	0.10	0.03	0.00	0.03
Coating Totals	118.25¹	2.41	2.39	0.00	0.10	0.20	0.30	0.03	0.20	0.23
Daily Threshold	75	100	550	150	→	→	150	→	>	55
Exceeds Threshold?	Yes	No	No	No			No	Ξ		No

Notes:

The CalEEMod model projects summer and winter emissions and the higher of the two values is included in the table.

Mitigation

Painting and surface coating shall be limited to an aggregate area of no more than 25,000 square feet per day during any phase of construction,

Or,

Paints and surface coatings shall be limited to a VOC content of no more than 30 milligrams per liter of VOC content.

Residual Impact

Building construction is estimated to release 117.68 pounds of ROG per day for the application of paints and coatings for each of the 20 days associated with this phase of the schedule. The coatings are estimated to cover an area of 609,339 square feet for interior space and 203,113 square feet for exterior area for a total of 812,452 square feet. The reduction to under the 75 pound-per-day ROG threshold could be attained if the daily area to be painted is limited.

812,452 sq ft / 20 days = 40,623 sq ft/day

117.68 lb/day / 40,623 sq ft/day = 0.0029 lb/sq ft

75 lb/day - (0.37 lb [equipment] + 0.20 lb/day [worker travel]) = 74.43 lb/day

74.43 lb/day / 0.0029 lb/sq ft = 25,666 sq ft/day

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¹ Bold value denotes a potentially significant impact.

Therefore, the restriction to no more than 25,000 square feet per day would ensure that the impact is reduced to less than significant.

Operational Impacts

Less Than Significant With Mitigation (b): The major source of long-term air quality impacts is that associated with the emissions produced from project-generated vehicle trips. With the exception of wood combustion, stationary sources add only minimally to these values.

Mobile Source Emissions

In accordance with the CalEEMod model, the project is estimated to generate approximately 1,235 average daily trips (ADT) on a weekday, 1,300 ADT on a Saturday, and 1,131 ADT on a Sunday. Because it results in the highest number of average daily vehicle trips, the model uses the Saturday traffic volume in the prediction of the daily emissions. The weekday and Sunday ADT values are considered in the annual emissions used in the projection of greenhouse gas emissions.

Emissions associated with project-related trips assume full occupancy in 2016. Since emissions per vehicle are reduced each year due to tightening emissions restrictions and the replacement of older vehicles from the road, the use of 2016 emission factors presents a worst-case analysis with regards to operational air quality impacts.

Again, both summer and winter scenarios were modeled and the higher of the two values are included in Table 2.

Stationary Source Emissions

In addition to vehicle trips, the occupants would produce emissions from on-site sources, including the combustion of natural gas for space and water heating and the use other heating sources (e.g., hearths). Additionally, the structures would be maintained and this requires repainting over time, thus resulting in the release of additional VOC (ROG) emissions. Also, the use of consumer aerosol products, such as retail cleaning supplies, is associated with the project. Finally, landscape maintenance equipment also produces emissions.

The project includes the operation of 122 residential units comprising approximately 300,908 square feet of floor area. The resultant emissions are projected by the CalEEMod computer model and included in Table 2. Note that ROG emissions could exceed their daily threshold value and the impact is potentially significant. Also note that the majority of these emissions are released from the operation of on-site "hearths."

Table 2
COMPARISON OF PROJECTED DAILY OPERATIONAL EMISSIONS
AND DAILY CRITERIA VALUES
(nounde/day)

(pounds/day) PM_{2.5} PM₁₀ CO SO₂ Source ROG NOx Mobile 56.70 0.14 9.65 2.73 17.33 16.66 Sources

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Table 2 COMPARISON OF PROJECTED DAILY OPERATIONAL EMISSIONS AND DAILY CRITERIA VALUES (pounds/day)

			ius/uay/			
Natural Gas	0.13	1.10	0.47	0.01	0.09	0.09
Structural Maintenance	0.64	0.00	0.00	0.00	0.00	0.00
Consumer Products	5.96	0.00	0.00	0.00	0.00	0.00
Hearth	33.80	0.86	64.84	0.10	9.85	9.85
Landscape Maintenance	0.34	0.13	10.79	0.00	0.06	0.06
Operational Total	58.20¹	18.75	132.8	0.25	19.65	12.73
Threshold	55	55	550	150	150	55
Exceeds Threshold?	Yes	No	No	No	No	No

Notes:

The CalEEMod model projects summer and winter emissions. These differ for mobile sources and the higher of the two values were included in the table.

Mitigation

Any hearth, stove, or fireplace designed to burn wood shall be omitted or replaced with a unit designed to burn only natural gas.

Residual Impact

In accordance with the CalEEMod model User Guide, hearths are stoves and fireplaces that burn wood or biomass. The replacement of these units with natural gas burning fixtures would reduce the ROG from 33.80 pounds per day just 0.23 pound per day. Total daily ROG is then reduced to 24.63 pounds per day and the impact is reduced to less than significant.

Though less than significant, all other emissions associated with hearths would also be reduced substantially. For example CO would be reduced from 64.84 pounds per day to just 0.01 pound per day and PM₁₀ and PM_{2.5} would both be reduced to just 0.15 pounds per day.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

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¹ Bold value denotes a potentially significant impact.

Less Than Significant With Mitigation (c): In accordance with SCAQMD methodology, projects that do not exceed or can be mitigated to less than the daily threshold values do not add significantly to a cumulative impact. With the included mitigation neither construction nor operation of the project would exceed the recommended SCAQMD threshold levels and this impact is less than significant.

d) Expose sensitive receptors to substantial pollutant concentrations?

Short-Term Localized Impacts

Less Than Significant With Mitigation (d): In addition to the mass daily threshold standards discussed above, project construction has the potential to raise localized ambient pollutant concentrations. This could present a significant impact if these concentrations were to exceed the ambient air quality standards included in Table 1 at receptor locations.

The SCAQMD has developed screening tables for the construction of projects up to 5 acres in size. These tables are included in the *Final Localized Significance Threshold Methodology* (June 2003). The emissions values included in the screening tables are based on the emissions produced at the site and do not include mobile source emissions (i.e., trucks and worker vehicles) spread over a much larger area.

In accordance with the *Methodology*, receptor locations are to consider the actual location of the receptors. If these locations are unknown, or varied, they may be assumed to be located at distances of 25, 50, 100, 200, and 500 meters. In cases where proximate receptors may be closer than 25 meters, as per the *Methodology*, a value of 25 meters is to be used in the analysis as a worst-case scenario.

The Isla Verde residential project is spread over an area of about 16 acres and is larger than the examples included within the *Methodology*. However, because emissions are spread over a larger area, there is more area for emissions to dissipate before making their way offsite and if it can be shown that the daily emissions do not exceed those included in the screening tables for a smaller site, than off-site concentrations would be less than significant.

Screening level allowable emissions are calculated from the "mass-rate look-up tables" included in the *Final Localized Significance Threshold Methodology* (Appendix C). Rather than using the entirety of the site, the CalEEMod emissions model bases the area of disturbance on equipment use. Dozers, graders, and tractors are estimated to disturb an area of 0.5 acre while scrapers are estimated to disturb 1.0 acre over an 8-hour work day. Based on the equipment listing projected by the model, site preparation (i.e., three dozers) and grading (i.e., two scrapers, one grader, and one dozer) would disturb 1.5 and 3 acres per day, respectively, and are within the 5 acre limitation used in the screening tables. Because the project lies in a residential area and is surrounded by other dwellings, the minimal screening distance of 25 meters is used in the analysis.

The screening methodology allows for linear extrapolation for sites with areas of disturbance that lay between those included in the screening tables (i.e., 1, 2, and 5 acres). Still, if it can be shown that the daily emissions produced by the project would not exceed the limitations for a smaller area included in the screening tables, than this extrapolation becomes moot.

As noted, the project is located in SRA 23. The allowable screening levels for NOx and CO for a 1-acre

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disturbance in SRA 23 are 118 and 602 pounds per day, respectively. These values are suggested for receptors located at 25 meters, the nearest distance to be used in the analysis. At peak on-site levels of 78.97 and 50.79 pounds per day for NOx and CO, respectively, these values are under those allowable for a 1-acre site and would not create localized impacts.

Because the Basin is a non-attainment area for particulate matter, the thresholds for both PM_{10} and $PM_{2.5}$ are much more stringent than those for CO and NOx. In the case of PM_{10} , the screening tables show allowable values of 4 and 7 pounds per day for 1- and 2-acre sites, respectively, with receptors at 25 meters. At 6.74 pounds per day, site preparation results in the highest level of PM_{10} while disturbing an area that is half the size of that for projected for grading. The threshold for a 1.5 acre site is determined as follows.

 $PM_{10} = (4 lb/day + 7 lb/day) / 2 = 5.5 lb/day threshold for 1.5 acres.$

At 6.74 pounds per day for on-site PM₁₀ during site preparation, this impact is potentially significant.

Grading activities are projected to disturb 3 acres per day but only produces 5.56 pounds of PM_{10} . Because a 2-acre site would allow for up to 7 pounds per day, PM_{10} during grading activities would not be significant.

Similarly, in the case of PM_{2.5}, the screening tables show allowable values of 3 and 4 pounds per day for 1- and 2-acre sites, respectively, with receptors at 25 meters. At 4.85 pounds per day, site preparation also results in the highest level of PM_{2.5} while disturbing an area that is half the size of that for projected for grading. The threshold for a 1.5 acre site is determined as follows.

 $PM_{2.5} = (3 lb/day + 4 lb/day) / 2 = 3.5 lb/day threshold for 1.5 acres.$

At 4.85 pounds per day for on-site PM_{2.5} during site preparation, this impact is potentially significant.

With respect to grading, this 4.85-pound per day value also exceeds the 4-pounds per day threshold for a 2-acre site. However as noted, grading is estimated to disturb 3 acres per day. The threshold for a 5-acre site is 8 pounds of PM_{2.5} per day. The allowable threshold for 3 acres of disturbance is calculated below.

5 acres - 2 acres = 3 acres

8 lb/day - 4 lb/day = 4 lb/day

4 lb/day / 3 acres = 1.33 lb/day/acre

4 lb/day + 1.33 lb/day = 5.33 pounds per day

So a 3 acre site could produce as much as 5.33 pounds per day of $PM_{2.5}$ with receptors at 25 meters. At 4.85 pounds per day during grading, $PM_{2.5}$ would not be significant.

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Mitigation

- During site preparations, the contractor shall water the construction site a minimum of three times per day, rather than twice per day as required under Rule 403.
- During site preparations, the contractor shall specify that all dozers use a minimum of Level 2 diesel particulate filters.

Residual Impact

In accordance with the CalEEMod model, raising the daily site watering requirement from two to three times daily increases the efficiency of dust suppression from 55 to 61 percent. Additionally, the use of Level 2 diesel particulate filters on the dozers would reduce the overall daily exhaust particulates. On-site PM₁₀ during site preparation would be reduced from 6.74 to 4.83 pounds per day. This value is then less than the 5.5 pounds per day threshold reducing the impact to less than significant.

Similarly, on-site PM_{2.5} would be reduced to from, 4.85 to 3.42 pounds per day during site preparation. This value is then less than the 3.5 pounds per day threshold reducing the impact to less than significant.

Long-Term Localized Impacts

Less than Significant impact (d): Long-term effects of the proposed project could also be significant if they exceed the CAAQS. As noted for construction, these criteria only apply to CO, NO_2 , PM_{10} , and $PM_{2.5}$. CO and NO_2 would be significant if the project were to raise existing levels above those values included in the CAAQS. Again, because the Basin is a non-attainment area for particulate matter, the operational thresholds for both PM_{10} and $PM_{2.5}$ are set at a measurable increase of 2.5 $\mu g/m^3$.

Unlike construction equipment that generates exhaust and dust in a set area, the primary source of emissions from project operations is due to the addition of vehicles on the roadway system. These emissions are then spread over a vast area and do not result in localized concentrations in proximity to the project site. As such, localized modeling for the project operations is not prepared for residential, limited commercial, or light industrial development that does not include a truck terminal.

Because CO is the criteria pollutant that is produced in greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, long-term adherence to AAQS is typically demonstrated through an analysis of localized CO concentrations. In the past, areas of vehicle congestion had the potential to create "pockets" of CO called "hot spots." However, the SCAB has now been designated as an Attainment area of both the State and federal CO standards, and no hot spots have been reported in any of the Orange County Receptor Areas in more than the last 5 years. CO is no longer a localized pollutant of concern near roadways and as such this analysis is no longer necessary.

e) Create objectionable odors affecting a substantial number of people?

Less Than Significant impact (e): Project construction would involve the use of heavy equipment creating exhaust pollutants from on-site earth movement and from equipment bringing concrete and

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other building materials to the site. With regards to nuisance odors, any air quality impacts will be confined to the immediate vicinity of the equipment itself. By the time such emissions reach any sensitive receptor sites away from the project site, they will be diluted to well below any level of air quality concern. An occasional "whiff" of diesel exhaust from passing equipment and trucks accessing the site from public roadways may result. Such brief exhaust odors are an adverse but less-than-significant, air quality impact. Additionally, some odor would be produced from the application of asphalt, paints, and coatings. Any exposure to these common odors would be of short-term duration and, while potentially adverse, are less than significant.

Operational odors could be produced from on-site food preparation. These odors are common in the environment and would not constitute a significant impact.

Air Quality Mitigation Measures:

- AQ-1 Painting and surface coating shall be limited to an aggregate area of no more than 25,000 square feet per day during any phase of construction; or Paints and surface coatings shall be limited to a VOC content of no more than 30 milligrams per liter of VOC content.
- AQ-2 Any hearth, stove, or fireplace designed to burn wood shall be omitted or replaced with a
 unit designed to burn only natural gas.
- AQ-3 During site preparations, the contractor shall water the construction site a minimum of three times per day, rather than twice per day as required under Rule 403.
- AQ-4 During site preparations, the contractor shall specify that all dozers use a minimum of Level
 2 diesel particulate filters.

BIOLOGICAL RESOURCES

Thresholds of Significance – Would the project:

a) 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 Game or U.S. Fish and Wildlife Service?

Less Than Significant impact (a): The proposed project site is located in the western portion of the Central section of the City (for biological resource analysis purposes), is currently designated in the MVGP as R/O –Residential/Office land uses, ¹⁰ and is surrounded by similar urban land use designations.

A burrowing owl habitat assessment was prepared for the project by a qualified biologist (Appendix B).¹¹ The findings of the habitat assessment determined that the project showed no evidence of burrowing owl, or any candidate, sensitive, species of concern, or special status species or suitable habitat for such species on site. In addition, compliance with the Biological Resources Mitigation Measures B-1 and B-2 contained in the MVGP FEIR would insure that the proposed project would have a less than significant impact on these resources.

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 California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)? Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less Than Significant Impact (b): The proposed project site is currently designated in the GP as R/O for Residential/Office land uses, and is surrounded by similar urban land use designations. In addition, the project site is not located on or near riparian habitat, nor on or near other sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW or USFWS. Furthermore, compliance with Biological Resources Mitigation Measures contained in the MVGP FEIR would insure that the proposed project would have a less than significant impact on these resources.

c) 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?

Less Than Significant impact (c): The project site is located within an urban built-up area and is not within an MSHCP linkage area. ¹² The site is located in the western half of the central portion of the City where most of the biological resources have been eliminated through previous development. Consequently, there is little chance that the project would interfere with the movement of any

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¹⁰ City of Moreno Valley. 2006. Moreno Valley General Plan. Figure 2-2 – Land Use Map.

David Magney Environmental Consulting. January 2014. Burrowing Owl Pre-Construction Survey for Nova Homes, Inc., Isla Verde Site.

¹² Ibid. Figure 5.9-4. Reche Canyon/Badlands Area Plan. Chapter 5.9 – Biological Resources.

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.

d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant impact (d): Implementation of the proposed project is subject to all applicable federal, state, and local policies and regulations related to the protection of biological resources and tree preservation. Adherence to all relevant laws, ordinances, regulations, and mitigation measures contained in the MVGP FEIR, the MVGP, the City of Moreno Valley Municipal Code, and the MSHCP would insure the proposed project would have a less than significant impact on policies or ordinances protecting biological resources.

e) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less Than Significant impact (e): The proposed project would be developed consistent with the guidelines of the MVGP and the MSHCP, and would be consistent with the Long Term Habitat Conservation Plan for the Stephen's Kangaroo Rat. Therefore, impacts would be less than significant to the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

CULTURAL RESOURCES

Thresholds of Significances – Would the Project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant With Mitigation (a-d): PCR Services Corporation, from December 30, 2013, to January 14, 2014, conducted a cultural resources assessment that included:¹³

- Cultural Resources Records Search
- Sacred Lands File (SLF) Search and Native American Consultation
- Paleontological Resources Records Search
- Pedestrian Survey (detailed site inspection)

The results of the assessment are presented below:

Historical Resources

According to a 1967 historic aerial photo, two structures also identified on the 15-minute series Perris map from 1942 are still in place by this time. However, by at least 1978, the structure located at the corner of Perris Boulevard and Cactus Avenue had been removed, as depicted in a 1978 historic aerial. By 1978, the second structure located half way down the project site and close to Perris Boulevard is still present. This structure is shown as consisting of a driveway and, although the 1978 historic aerial is not very clear, it appears that other structures may have been built in association with it. Sometime between 1975 and 2005, this second structure was removed as depicted in the 2005 historic aerial. However, the pedestrian survey did not yield the identification of historic remnants associated with the two structures depicted on the 15-minute series Perris map from 1942 or any other built-environment resources. Therefore, the proposed project would likely not cause a substantial adverse change to the significance of a known historical resource as defined in §15064.5.

Archaeological Resources

The records search did not reveal the existence of recorded prehistoric or historic archaeological resources within or near the proposed project site and the pedestrian survey did not yield the identification of archaeological resources on the surface. Modern refuse can be found throughout the Project site. The pedestrian survey also revealed that the entire project site has been previously disturbed by plowing and demolition activities and it is likely that these activities have displaced archaeological resources that may have once existed within the project site. Based on the negative results of the records search, pedestrian survey, and previous ground-disturbing activities that may

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PCR Services Corporation. January 2014. Cultural Resources Assessment for the Proposed Isla Verde Residential Development Project, City of Moreno Valley, County of Riverside California.

have displaced resources, it is not likely that the project would cause a substantial adverse change in the significance of a known archaeological resource pursuant to §15064.5. In addition, given the past disturbance within the project site, the potential to encounter subsurface archaeological resources during the construction of the project is considered low. However, in the unlikely event that prehistoric or historic archaeological resources (e.g., bottles, foundations, refuse dumps, Native American artifacts, etc.) are unearthed during ground-disturbing activities, it is recommended that the Applicant implement mitigation measure CULT-1, as described in the following section, to reduce impacts to archaeological resources to a less than significant level.

Paleontological Resources

Results of the literature review at the San Bernardino County Museum (SBCM) indicated that the project site is located on subsurface Pleistocene alluvial sediments that rest upon Holocene alluvial fan deposits. The Pleistocene fan deposits have been assigned high paleontological sensitivity. Fossils recovered from similar Pleistocene sediments throughout Riverside and San Bernardino Counties have yielded significant findings from the Ice Age, including mammoths, mastodons, ground sloths, sabre-toothed cats, dire wolves, horses, camels, short-faced bears, and bison. As a result of these findings, is appears that the potential to encounter paleontological resources at depth within the project site is high. Therefore, if construction excavations associated with the Project would encounter the fossiliferous Pleistocene alluvial sediments that are located at an unknown depth within the project site, it is recommended that the Applicant implement mitigation measure CULT-2, -3, -4, and -5, as described in the following section, to reduce impacts to buried and undiscovered paleontological resources to a less than significant level.

Human Remains

A SLF search from the California Native American Heritage Commission (NAHC) failed to indicate the presence of Native American cultural resources from the NAHC archives within the project site or surrounding vicinity. The NAHC results also noted, however, that "the absence of archaeological or cultural resources does not preclude their existence at the subsurface level" (Singleton 2013). No human remains were identified by PCR during the pedestrian survey and none have been recorded within the project site or half-mile radius. In addition, no Native American responses have been received to date. Based on these results, the overall sensitivity of the project site with respect to buried human remains appears to be low and; therefore, the project would not disturb any known human remains, including those interred outside of formal cemeteries. However, in the unlikely event that human remains are unearthed during ground-disturbing activities, it is recommended that the Applicant implement mitigation measure CULT-6, as described in the following section, to reduce impacts to human remains to a less than significant level.

Cultural Resources Mitigation Measures:

• Mitigation Measure CULT-1: In the event that prehistoric or historic archaeological resources (e.g., bottles, foundations, refuse dumps, Native American artifacts, etc.) are unearthed during ground-disturbing activities, the Applicant shall halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated by a qualified archaeologist. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by an archaeologist. The Applicant shall coordinate with the archaeologist and the City to

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develop an appropriate treatment plan for the resources if they are determined to be potentially eligible for the California Register or potentially qualify as unique archaeological resources pursuant to CEQA. Treatment may include implementation of archaeological data recovery excavations to remove the resource or preservation in place or avoidance. The archaeologist shall prepare a report regarding the find and its treatment effort that shall be submitted by the Applicant to the City, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and the required mitigation measures. The report shall include a description of resources unearthed, if any, treatment of the resources, and evaluation of the resources with respect to the California Register. The Applicant, in consultation with the archaeologist and the City shall designate repositories meeting State standards in the event that archaeological material is recovered. Project material shall be curated in accordance with the State Historical Resources Commission's Guidelines for Curation of Archaeological Collections.

- Mitigation Measure CULT-2: If construction excavations would encounter the fossiliferous Pleistocene alluvial sediments that are located at an unknown depth within the Project site, a qualified shall be retained by the Applicant. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified Paleontologist shall supervise a paleontological monitor who shall be present during construction excavations into Pleistocene alluvial sediments. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring inspections shall be determined by the Paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.
- Mitigation Measure CULT-3: If a potential fossil is found, the Paleontological Monitor shall
 be allowed to temporarily divert or redirect grading and excavation activities in the area of
 the exposed fossil to facilitate evaluation and, if necessary, salvage. At the Paleontologist's
 discretion and to reduce any construction delay, the grading and excavation contractor shall
 assist in removing rock samples for initial processing.
- Mitigation Measure CULT-4: Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the San Bernardino County Museum or the Western Science Center. Accompanying notes, maps, and photographs shall also be filed at the repository.
- Mitigation Measure CULT-5: Following the completion of the above measures, the Paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Project Applicant to the lead agency, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.

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Mitigation Measure CULT-6: If human remains are encountered unexpectedly during implementation of the proposed project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the land owner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the land owner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment. Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

GEOLOGY AND SOILS

Thresholds of Significance – Would the project:

a) 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.
- ii) Strong seismic ground shaking?
- iii) Seismic-related ground failure, including liquefaction?
- iv) Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- 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?
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Less Than Significant Impact (a-e): The San Jacinto Fault Zone, located in the eastern and northeastern portion of the City, has the potential to cause moderate to large earthquakes that would cause intense ground shaking. However, based on review of available geologic information, it can be seen that no major earthquake fault crosses through or extends towards the site. Although the potential for surface rupture resulting from nearby fault movement is not known for certainty, according to the Preliminary Report of Soils and Foundation Evaluations report conducted on the proposed property (Appendix D), it is considered "low" due to the distance of approximately 8.29 km to the nearest fault.

The project site and its surroundings have generally flat topography and are not located in an area prone to landslides. In addition, based on review of the available online State of California Seismic Hazard maps for the site area, it is understood that the project site is **not** situated within a Seismic Hazard Zone where the site could be susceptible to soil liquefaction, land-sliding, and lateral spreading in the event of a strong motion earthquake.¹⁶

The project site is located in a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the lifetime of the project. This risk is not considered substantially different than that of other similar properties in the Southern California area. As a mandatory condition of project approval, the project would be required to construct proposed structures in accordance with the California Building Standards Code (CBSC), also known

Soils Southwest, Inc. Preliminary Report of Soils and Foundation Evaluations Proposed Residential Development SWC Perris Boulevard & Cactus Avenue, City of Moreno Valley, Riverside County, California. September 2013.

¹⁵ Ibid. 8

¹⁶ Ibid. 9

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as California Code of Regulations (CCR), Title 24 and the City Building Code. The CBSC and City Building Code are designed to preclude significant adverse effects associated with strong seismic ground shaking. With mandatory compliance with standard design and construction measures, potential adverse impacts would be reduced to less than significant and the project would not expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking.

Erosion and loss of topsoil could occur as a result of the project. State and Federal requirements call for the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) establishing erosion and sediment controls for construction activities. The project must also comply with the National Pollutant Discharge Elimination System (NPDES) regulations.

Sewer service is available to the proposed project; no septic tanks or alternative waste water disposal systems are part of the proposed project design.

Development of the proposed project in compliance with relevant MVGP objectives, goals, and policies, ¹⁷ compliance with Mitigation Measures GS1 and GS2 contained in MVGP FEIR, and compliance with Moreno Valley Municipal Code Title 8 – Buildings and Construction ¹⁸— would insure potential impacts to geology and soils as a result of the development of the proposed project would be less than significant.

¹⁸ City of Moreno Valley. 2006. Moreno Valley General Plan Final Program EIR. Chapter 5.6 Geology and Soils.

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City of Moreno Valley. 2006. Moreno Valley General Plan. Chapter 9 — Goals and Objectives. http://www.moreno-valley.ca.us/city hall/general plan.shtml

GREENHOUSE GAS EMISSIONS

Thresholds of Significance – Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant impact (a): To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, the SCAQMD has convened a GHG CEQA Significance Threshold Working Group. The SCAQMD is in the process of establishing a threshold for GHG emissions to determine a project's regional contribution toward global climate change impacts for California. On December 5, 2008, SCAQMD adopted a threshold of 3,000 metric tons (MTons) of CO2 per year for residential and commercial projects for which it is the lead agency under CEQA.

Construction

The CalEEMod default estimates that construction would begin in January 2015 and take approximately 380 working days to complete. For the purposes of this analysis, construction is estimated to follow the CalEEMod default construction schedule. Because the heaviest, and most polluting equipment is used in the early stages of construction (i.e., site preparation and grading), the use of the January start date ensures that these operations are captured in a single year for the greenhouse gas calculations thereby presenting a worst-case scenario.

Construction activities would consume fuel and result in the generation of greenhouse gases. Construction CO_2e emissions are as projected using the CalEEMod computer model and included in Table 3. Note that all emissions are within the threshold value and the impact is less than significant. Also note that if construction were to be completed in a single calendar year, the total emissions (i.e., 610.55 Mtons of CO_2e), would remain within the 3,000 Mtons threshold.

	Table 3	
CONSTRUCT	I-RELATED GREENHOUSE GAS EMISSION BY YEA	R
	(Mtons/year)	

(INITOTIS) year)				
Year	CO2	CH ₄	N ₂ O	Total CO₂e¹
2015	458.94	0.10	0.00	461.08
2016	148.82	0.03	0.00	149.47
Threshold				3,000
Exceeds Threshold?				No
		i	1	

¹ Because different gases have different conversion factors, totals may not equal.

Site Operations

In the case of site operations, the majority of greenhouse gas emissions, and specifically CO₂, is due to vehicle travel and energy consumption. As shown in Table 4, the CalEEMod model projects that combined, mobile, area source, energy, waste, and water conveyance would generate 2,477.80 Mtons of CO₂e on an annual basis. (The table does not include the mitigation for the replacement of

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wood burning hearths with natural gas units that would also reduce GHG emissions.) This value is under the suggested threshold of 3,000 Mtons per year and the impact is less than significant.

Table 4
YEARLY OPERATIONAL GREENHOUSE GAS EMISSIONS
(Mtons/year)

Source	CO₂	CH ₄	N₂O	Total CO₂e
Mobile Sources	1,787.04	0.06	0.00	1,788.33
Electricity	283.50	0.01	0.00	284.61
Natural Gas	232.45	0.00	0.00	233.86
Hearth	40.03	0.04	0.00	41.18
Landscape Maintenance	2.17	0.00	0.00	2.22
Water Use	50.83	0.28	0.01	58.78
Waste Disposal .	30.71	1.81	0.00	68.82
Operational Total	111.14	0.07	0.00	2,477.80
Threshold				3,000
Exceeds Threshold?				No

Notes:

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact (b): An impact can also be potentially significant if the project does not comply with the applicable plans necessary for the reduction of greenhouse gases. Like air quality impacts, projects that generate de minimus levels (i.e., less than 3,000 Mtons of CO₂e per year) and don't result in a significant impact or can be mitigated to less than significant would be deemed to be in compliance of the local policies with respect to GHG. Even so, the project is subject to the requirements of State Assembly Bill 32 and any requirements set forth therein. Like adherence to SCAQMD requirements (e.g., Rule 403 for dust control), adherence to SB32, and any measures outlined therein, would be requisite and as such, are not mitigation under CEQA.

Construction

As demonstrated above, the peak year construction is estimated to generate about 461.08 Mtons of CO_2e with total construction estimated at 601.55 Mtons. These values are well below the 3,000-Mton threshold value and the cumulative impact to climate change is less than significant. As such, construction would not conflict with existing plans and policies.

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¹ Because different gases have different conversion factors, totals may not equal.

Site Operations

As shown above, the operation of the project is anticipated to result in about 2,477.80 Mtons of CO_2e on an annual basis and is less than the 3,000-Mton per year threshold suggested by the SCAQMD. As such, the impact is less than significant.

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HAZARDS AND HAZARDOUS MATERIALS

Thresholds of Significance – Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 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?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 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?
- 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 for people residing or working in the project area?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact (a-h): The proposed project is a planned, gated, residential community designated for Residential/Office use that is in compliance with the goals, policies, and objectives contained in the MVGP; the project does not incorporate design features that would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. In addition, the MVGP FEIR did not identify significant impacts to Hazard and Hazardous materials.

Public and private schools are located immediately west and east of the proposed project; however, the project is not designed to nor would be permitted to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste.

The proposed project is not included on a list of hazardous sites compiled pursuant to Government Code Section 65962.5.¹⁹

The proposed project is located approximately 1.67 miles northeast of the March Air Reserve Base. However, the proposed project is not located within an airport land use plan, nor in the vicinity of a private airstrip. In addition, the project site is not in the immediate vicinity of March Air Reserve Base Aircraft Hazard Zones. Further, according to the March Air Reserve Base/Inland Port Airport

²⁰ City of Moreno Valley. 2006. General Plan Final Program EIR. Chapter 5.5–Hazards. Figure 5.5-3.

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Soils Southwest, Inc. August 2013. Phase I Environmental Site Assessment (ESA) Proposed Residential Development Cactus Avenue & Perris Boulevard, Moreno Valley, California.

Land Use Compatibility Plan, the proposed project site is located in Zone E, which has a Safety and Airspace Protection Factor Risk Level of Low, and a Noise Impact Level of Moderate to Low.²¹

The proposed project would be developed in accordance with existing fire code, ordinances, and regulations, and would not impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

The proposed project is not located in or near an area where wildland fires could occur.²²

The General Plan Safety Element objectives, policies and implementation programs including implementation and/or compliance with the Riverside County Area Plan address the proper use, storage, collection and disposal of hazardous materials. Continued implementation of these policies and implementation programs will avoid any significant hazardous materials impact as a result of the proposed project.²³

Riverside County Airport Land Use Commission. June 2013. March Air Reserve Base / Inland Port Airport Land Use Compatibility Plan. https://www.rcaluc.org/plan_new.asp.

²² Ibid. Chapter 5.5–Hazards. Figure 5.5-2.

²³ Ibid. Chapter 5.5-Hazards

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HYDROLOGY AND WATER QUALITY

Thresholds of Significance – Would the project:

a) Violate any water quality standards or waste discharge requirements?

Less Than Significant Impact (a): Water runoff from developed areas of the Project site may contain urban pollutants such as petroleum products, fertilizers, pesticides, soils, etc., which can degrade water quality if discharged from the site. The proposed project's Preliminary Water Quality Management Plan (WQMP) is prepared in accordance with City requirements to identify pollutants of concern and identify means to reduce their discharge from the site (i.e., Best Management Practices, BMPs). Required adherence to the project-specific WQMP will reduce the amount of pollutants in stormwater runoff, as well as non-storm water discharges. Furthermore, the project will be required to comply with the Santa Ana River Basin Water Quality Control Program and the City of Moreno Valley's National Pollutant Pollution Prevention Program (SWPPP) to control sediment/siltation runoff) to minimize the discharge of pollutants in storm water during short-term construction and long-term operational activities. Mandatory compliance with the project's WQMP, in addition to compliance with NPDES Permit requirements, would ensure that all potential pollutants of concern are minimized or otherwise appropriately treated prior to being discharged into receiving waters. Therefore, implementation of the proposed project would not violate any water quality standards or waste discharge requirements, and impacts would be less than significant.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Less Than Significant Impact (b): As depicted on Figure 5.7-2, Groundwater Basins, in the City of Moreno Valley General Plan FEIR, the project site is located within the Perris North Groundwater Basin. There are currently few domestic uses for groundwater within the City due to salinity/water quality issues; the City primarily relies on imported water from the Eastern Municipal Water District for its domestic water supply. The project does not propose the installation of any water wells that would directly extract groundwater; however, the change in pervious surfaces to impervious surfaces that would occur with development of the site could reduce the amount of water percolating down into the underground aquifer that underlies the project site and a majority of the City. However, and as noted in the MVGP FEIR (Page 5.7-12), "the impact of an incremental reduction in groundwater would not be significant as domestic water supplies are not reliant on groundwater as a primary source." Therefore, development of the proposed project would not significantly affect groundwater supplies or groundwater recharge capacity.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

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Less Than Significant (c-d): The project would involve mass grading of the site, which would alter the existing drainage pattern. Any alteration in drainage pattern has the potential to result in erosion and siltation both on-site during construction and off-site upon build-out of the project. Construction-related grading activities would ultimately expose surficial soils for a period of time with the potential for on-site erosion during a rainstorm event. Also, in the long term, development of the property would introduce impervious surfaces and landscaping, thereby increasing the rate and volume of stormwater runoff and potentially resulting in off-site erosion downstream. However, compliance with the project's WQMP, in addition to compliance with NPDES Permit requirements and the grading permit process, would insure that all potential impacts to related to the alteration of existing drainage patterns such that substantial erosion or flooding would occur on- or off-site would be less than significant.

e) 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?

Less Than Significant (e): The proposed project includes the construction of an on-site detention basin designed to reduce the rate and volume of runoff discharged from the site. In addition, existing off-site storm water drainage facilities that receive storm water runoff from the project site have adequate capacity to convey storm water runoff discharged from the site. ²⁴ Furthermore, the proposed project would be subject to the City's National Pollutant Discharge Elimination System Best Management Practices relating to construction to control runoff contamination from affecting water resources (MVGP Policy 5.4.2).

f) Otherwise substantially degrade water quality?

Less Than Significant (f): The proposed project as designed and with the prevention measures described above would not otherwise substantially degrade water quality.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Less Than Significant (g-h): According to Figure 5.5-2, Floodplains and High Fire Hazards, of the MVGP FEIR, and MVGP Figure 6-4, Flood Hazards, the proposed project site is not located within or adjacent to a 100-year floodplain. Consequently, the proposed project would not place structures within a 100-year flood hazard area that could impede or redirect flood flows. Therefore, a significant flood-related hazard would not occur with implementation of the proposed project.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j) Inundation by seiche, tsunami, or mudflow?

Less Than Significant (i-j): The nearest dam to the project site, Lake Perris, is located approximately 3.69 miles southeast of the subject property.

In addition, according to Figure 5.5-2, Floodplains and High Fire Hazards, of the Moreno Valley General Plan FEIR, and City of Moreno Valley General Plan Figure 6-4, Flood Hazards, the project site

²⁴ City of Moreno Valley. 2006. Moreno Valley General Plan Final Program EIR. Chapter 5.6 Geology and Soils.

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and surrounding areas do not appear subject to dam inundation hazards. Furthermore, there are no levees in the project area.

Also, due to the distance of the proposed project from large water bodies, inundation by seiche, tsunami, or mudflow is unlikely and poses a less than significant impact to the proposed project.

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LAND USE AND PLANNING

Thresholds of Significance – Would the project:

a) Physically divide an established community?

Less Than Significant Impact (a): The proposed residential project is designated Residential/Office in the MVGP; therefore, this project is consistent with long-range land use planning contained in the MVGP. Chapter 5.1 – Land Use of the MVGP FEIR states:

"None of the General Plan alternatives propose any land uses or circulation element roadways that would divide an established community or be incompatible with existing or anticipated land uses. No significant impact associated with this issue will occur. The regulations in the City's Municipal Code, including the Zoning Ordinance, will continue to be enforced on all new and existing development, thereby reducing potential land use and operational incompatibilities to a level less than significant." ²⁵

The proposed project has been designed to be consistent with the pattern of development of the surrounding area providing adequate access, circulation and connectivity consistent with the MVGP. Therefore, the project impacts related to the community are considered less than significant.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact (b): The proposed project seeks a Conditional Use Permit for a land-use change from Residential/Office (R/O) to Planned Unit Development (PUD). As part of its review of the proposed project's applications, the City of Moreno Valley will ensure consistency with applicable policies of the MVGP and the MVGP FEIR, and will insure conformance with the City's Municipal Code requirements. As such, the project would not conflict with applicable local land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant.

In addition, the proposed project would be consistent with PUD development requirements: MVGP Chapter 9 – Goals and Objectives states:

"Planned Unit Developments (PUD) shall be encouraged for residential construction in order to provide housing that is varied by type, design, form of ownership, and size. PUD's shall also provide opportunities to cluster units to protect significant environmental features and/or provide unique recreational facilities."²⁷

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

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²⁵ City of Moreno Valley. 2006. General Plan Final Program EIR. Chapter 5.1 Land Use.

²⁶ City of Moreno Valley Municipal Code. Title x Planning and Zoning. Chapter 9.03 Residential Districts. 9.03.060 Planned Unit Developments.

²⁷ City of Moreno Valley. 2006. General Plan Final Program EIR. Chapter 9 – Goals and Objectives.

Less Than Significant impact (c): The proposed project would be developed consistent with the guidelines of the MVGP and the MSHCP, and would be consistent with the Long Term Habitat Conservation Plan for the Stephen's Kangaroo Rat. Therefore, impacts would be less than significant to the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

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MINERAL RESOURCES

Thresholds of Significance – Would the project:

- 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?
- 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?

No Impact (a-b): The proposed project site is not located within an area known to be underlain by regionally- or locally-important mineral resources, or within an area that has the potential to be underlain by regionally- or locally-important mineral resources, as indicated in the MVGP and the MVGP FEIR. Accordingly, implementation of the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State of California. In addition, the MVGP does not identify any locally-important mineral resource recovery sites on-site or proximate to the project site. ²⁸

²⁸ City of Moreno Valley. 2006. General Plan Final Program EIR. Chapter 5.14 – Mineral Resources.

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NOISE

Thresholds of Significance – Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant with Mitigation (a): The City of Moreno Valley sets an exterior standard of no more than 65 dBA CNEL for transportation-related noise sources. In addition, noise attenuation is required, where necessary, to achieve acceptable interior noise levels. An acceptable interior noise is 45 dBA CNEL for residences and schools and 50 dBA CNEL for libraries, hospitals, places of worship, and office uses. These interior standards are to be implemented when the exterior noise level exceeds 60 dBA CNEL. Additionally, current practice is to require 6-foot masonry walls between single-family lots and major roadways. The Applicant specifies a 6-foot perimeter wall and its attenuation is considered in the project design (Noise Impacts Analyses for the Isla Verde Residential Development to be Located in the City of Moreno Valley – Appendix F). ²⁹

An impact could be significant if the project would site a sensitive land use in a location where noise levels would exceed the appropriate standards. The existing City of Moreno Valley Noise Element sets a goal level of up to 65 dBA CNEL for sensitive land uses. Whereas the 65 dBA CNEL would also be applied to exterior habitable areas, a "conditionally acceptable" goal of 75 dBA CNEL would be applied in non-habitable areas so long as interior noise levels do not exceed 45 dBA CNEL. Levels of 75 to 80 dBA CNEL are "normally unacceptable."

Road Noise

The project site fronts along Perris Boulevard between Cactus Avenue and Delphinium Avenue. The field study performed on January 21, 2014 revealed that the dominant source of noise was from traffic traveling along Perris and Cactus.

Modeling was prepared for LOS C traffic as noted in Table 4 and projected at the nearest structures to be placed along that roadway and the results are included in Table 5. The table includes the results both without and with the proposed 6-foot wall. While the wall provides shielding to ground level receptors, it does not shield the second story. While the impact to those homes that back to Delphinium would be less than significant, impacts to those homes to be placed along Perris and Cactus could be significant both on the first and second story levels.

Table 5 LOS C TRAFFIC-GENERATED NOISE LEVELS ¹						
Road	Speed	ADT Volume	CNEL (dBA @ 50 Feet)	Distance to Near Home	CNEL (dBA @ 50 Feet)	CNEL With 6- Foot Wall (dBA)
Perris Boulevard	40	45,000	74.2	70	72.7	71.5
Cactus Avenue	45	30,000	73.6	78	71.7	68.3
Delphinium Avenue ²	25	10,400	64.6	63	63.6	57.9

²⁹ Synectecology. January 2014. Noise Impacts Analyses for the Isla Verde Residential Development to be Located in the City of Moreno Valley. (Appendix F)

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Table 5 LOS C TRAFFIC-GENERATED NOISE LEVELS¹

¹ LOS C volumes based on City of Moreno Valley General Plan Circulation Element except Delphinium that is based on the County of Riverside General Plan Circulation Element designation. Noise levels are as modeled from the centerline of travel.

Mitigation Measures

Interior noise levels could be reduced through additional structural improvements beyond Title 24 requirements. (These improvements would also save energy and reduce greenhouse gas emissions through increased efficiency.) Alternatively, sound walls could be used to reduce exterior noise at the structures. However, sound walls would not be effective for the second-story spaces and these rooms can only be mitigated through structural improvements. Furthermore, the Applicant proposes a central park and pool area that would serve as a habitable exterior area for the development. For these reasons, sound walls are not specified here and structural improvements beyond Title 24 requirements are recommended to ensure that interior noise levels do not exceed 45 dBA CNEL.

- N-1: At a minimum the structures that back along Perris Boulevard and Cactus Avenue shall be constructed with batten insulation in the exterior walls. Alternatively, these structures could be of masonry construction negating this requirement.
- N-2: The units shall be constructed such that the windows along Perris Boulevard (east facing) and Cactus Avenue (north facing) do not exceed 30 percent of the wall area.
- N-3: For these units, any exterior balconies or dedicated patio areas shall extend no more than 6 feet from the structure.
- N-4: All exterior fittings that enter these structures (e.g., electrical conduits, HVAC ducts) are to
 be sealed with caulk such that the fittings are rendered as air-tight. Any metal duct-work that is
 exposed to the exterior environment shall be enclosed and insulated to avoid noise transference
 through the ducting.
- N-5: The Applicant shall provide these structures with forced air ventilation designed and installed in accordance with the California Uniform Building Code.
- N-6: The Applicant shall specify a minimum STC rating of 32 and 33 for all first and second story, respectively, window and/or door assemblies, that have a view toward Perris Boulevard (east facing) These windows and/or doors are to be well fitting with vinyl (or equivalent) gaskets that form an air tight fitting.
- N-7: The Applicant shall specify a minimum STC rating of 28 and 32 for all first and second story, respectively, window and/or door assemblies that have a view toward Cactus Avenue (north facing) These windows and/or doors are to be well fitting with vinyl (or equivalent) gaskets that form an air tight fitting.
- N-8: The Applicant shall abide by any other measures set forth by the City of Moreno Valley Planning Department for noise mitigation.

The Noise Guidebook (HUD, 1985) presents Sound Transmission Class (STC) ratings for various types of construction materials and techniques. The Sound Transmission Class rating is the official rating endorsed by the American Society of Testing and Measurement and can be used as a guide in

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² Roadway was modeled at 30 mph, the minimum allowable speed, minus 1 dBA to represent a 25 mph speed.

determining what type of construction is needed to reduce noise. Conversely, these same principles can be used to determine interior noise for a given type of construction.

An STC is a measure of a material's ability to reduce sound and is equal to the number of decibels a sound is reduced as it passes through the material. Thus, a high STC rating indicates a good insulting material. For example, if the external noise is 75 dBA and the desired interior level is 45 dBA, a partition of 30 STC is required. Because of minor differences in ratings, as well as construction flaws, gaps, seams, openings, ducting, etc., field studies indicate that laboratory-derived STC ratings may be overstated by as much as 5 dBA. (HUD puts this discrepancy at about 2-3 dBA.) As such, using 75 dBA, the mitigation would need to achieve a composite laboratory STC rating of approximately 35 to ensure that interior levels were adequately mitigated to less than 45 dBA.

According to HUD, a common stud wall has an STC of approximately 35 dBA. While a typical 1/4-inch thick pane of glass may have an STC rating of about 20 dBA, a 3/16-inch piece increases this rating to about 25 dBA, and a 1/2-inch thick piece would have an STC of about 35 dBA. There comes a point of diminishing returns, and beyond 1/2 inch additional thickness produces minimal gains. (A 3/4-inch piece of glass has an STC of about 37 dBA.) The STC for a typical wood, double hung closed window is listed at 22.

Noise within the interior of the structure comes through the walls, windows, doors, and duct work. HUD provides a nomograph that can be used to determine the composite STC for walls that include windows and doors. Assuming a common stud wall has an STC of 35, the windows/doors have an STC of 22, and the windows/doors encompasses 30 percent of the wall, the composite STC is 27. The requirement for batten insulation would increase the STC of the walls by at least 4 dBA to no less than STC 39. Using the required window assemblies, but retaining the window area at 30 percent, interior noise levels would be reduced to less than 45 dBA CNEL and the impact is reduced to less than significant.

b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?

Less than Significant Impact (b): The proposed project would involve the construction and occupancy of residential structures. Caltrans notes that ground borne vibration is typically associated with blasting operations, the use of pile drivers, and large-scale demolition activities, none of which are anticipated for the construction or operation of the project. As such, no excessive ground borne vibrations would be created by the proposed project on the proximate residents and any potential impacts are less than significant.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than Significant Impact (c): – Long-term impacts could be significant if the project creates activity or generates a volume of traffic that would substantially raise the ambient noise levels. As discussed above, a substantial increase is defined as 3 dBA CNEL.

To raise the traffic levels along the existing routes would require that the project double the volume of the existing traffic. In accordance with the air quality analysis, the project would add 1,300 ADT on a peak day. These trips would enter and exit the site on Cactus Avenue, but could also exit the site on Delphinium Avenue. Assuming that half of the trips are arrivals and half are departures 650 ADT would depart the site.

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This traffic would be split up amongst the two exits. However, if it is assumed that the entirety of this departing traffic (i.e., 650 ADT) were to use Delphinium, and all to proceed the same direction, the 650 ADT would generate a CNEL of 51.6 dBA as measured at a distance of 50 feet from the centerline of travel.

The overall CNEL is louder than the noise generated by noon hour traffic. The field study noted a noon hour Leq of 53.5 dBA along Delphinium. Even if the noon hour traffic were as loud as the CNEL, the addition of 51.6 dBA to 53.5 dBA results in a composite of 55.7 dBA CNEL for an increase of 2.2 dBA. The increases along Perris and Cactus would be even less as the project represents a much small percentage of their ADT volumes. This demonstrates that the volume traffic that could be produced by the project is too small to double the existing levels and the impact is less than significant.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than Significant Impact (d): Two types of noise impacts could occur during the construction phase. First, the transport of workers and equipment to the construction site would incrementally increase noise levels along site access roadways. However, any increase in noise would be less than 1 dBA when averaged over a 24-hour period, and would therefore have a less than significant impact on noise receptors along the truck routes.

The second type of impact is related to noise generated by on-site construction operations and existing local residents and the school located adjacent to the site would be subject to elevated noise levels due to the operation of on-site construction equipment. Construction activities are carried out in discrete steps, each of which has its own mix of equipment, and consequently its own noise characteristics. These various sequential phases would change the character of the noise levels surrounding the construction site as work progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow noise ranges to be categorized by work phase. Table 6 lists typical construction equipment noise levels recommended for noise impact assessment at a distance of 50 feet.

Table 6 NOISE LEVELS GENERATED BY TYPICAL CONSTRUCTION EQUIPMENT					
Type of Equipment	Average Sound Levels Measured (dBA at 50 feet)				
Pile Drivers	101				
Rock Drills	98				
Jack Hammers	88				
Pneumatic Tools	85				
Pumps	76				
Dozers	80				
Front-End Loaders	79				
Hydraulic Backhoe	85				

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	Table 6				
NOISE LEVE	LS GENERATED BY				
TYPICAL CONSTRUCTION EQUIPMENT					
Hydraulic Excavators	82				
Graders	85				
Air Compressors	81				
Trucks	91				

Source: Noise Control for Buildings and Manufacturing Plants, BBN 1971

Noise ranges have been found to be similar during all phases of construction, although the actual construction of the structures tends to be somewhat less than that from grading. The grading and site preparation phase tends to create the highest noise levels, because the noisiest construction equipment is found in the earthmoving equipment category. This category includes excavating machinery (backfillers, bulldozers, draglines, front loaders, etc.) and earthmoving and compacting equipment (compactors, scrapers, graders, etc.) Typical operating cycles may involve 1 or 2 minutes of full power operation followed by 3 to 4 minutes at lower power settings. Noise levels at 50 feet from earthmoving equipment range from 73 to 96 dBA while Leq noise levels range up to about 89 dBA. The later construction of structures is somewhat reduced from this value and the physical presence of the structure may break up line-of-sight noise propagation.

Composite construction noise is best characterized by Bolt, Beranek, and Newman (USEPA December 31, 1971). In their study construction noise for earthwork related to residential development is presented as 88 dBA Leq when measured at a distance of 50 feet from the construction effort. This value takes into account both the number of pieces and spacing of the heavy equipment used in the construction effort. In later phases during building construction, noise levels are typically reduced from this value and the physical structures further break up line of sight noise. However, as a worst-case scenario, the 88-dBA-value is used to assess the impact of construction.

The operation of such equipment would result in the generation of both steady and episodic noise significantly above the ambient levels currently experienced near the project site. The noise produced from construction decreases at a rate of approximately 6 dBA per doubling of distance. Therefore, at 100 feet the noise levels would be about 6 dBA less or 82 dBA Leq. Similarly, at 200 feet the noise levels would be 12 dBA less or 76 dBA Leq. The most proximate existing residential uses are adjacent to the site and noise levels could be on the order of 90 dBA Leq, assuming the receptor were to have a clear line of sight to the equipment. (Note, as construction is not performed at night, this does not represent a CNEL value.)

However, during the vast majority of the construction period, noise levels at the proximate residents would considerably lower due to lower power settings and sound attenuation provided by longer distances. In accordance with the Noise Element of the General Plant, this construction noise is typically considered acceptable between the hours of 7:00 A.M. and 8:00 P.M. Adherence to these hours is specified in the City Municipal Code and as such, does not constitute mitigation under CEQA. The Applicant would adhere to the Code and shall include the following measures as project commitments:

- All construction equipment engines shall be properly tuned and muffled according to manufacturers' specifications.
- Staging and construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling, etc.) shall be

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- conducted as far as possible from the residential land uses located to the northwest and southeast corners of the site, and along the western site border.
- To avoid truck noise through the local neighborhood, all truck and vendor access shall be from Cactus Avenue and Perris Boulevard. No truck access shall be allowed along Delphinium Avenue.
- Two weeks prior to the commencement of construction at the project site, notification shall be
 provided to the adjacent residential uses disclosing the construction schedule, including the various
 types of activities and equipment that would be occurring throughout the duration of the
 construction period. This notification shall also provide a contact name and phone number for
 residents to call for construction noise-related complaints. All reasonable concerns shall be rectified
 within 24 hours of receipt.
 - 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 expose people residing or working in the project area to excessive noise levels?

Less than Significant Impact (e): The Perris Valley Airport, located about 9 miles to the south, is the nearest public use facility. The project site is not in the flight path and well beyond the airport's 60 dBA CNEL noise contour. No significant impacts would result from the implementation of the proposed project.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Less than Significant Impact (f): The March Air Reserve Base is located about 1.7 miles to the southwest of the project site. The project is located outside of the airport's 60 dBA CNEL noise contour and no significant impacts would result from the implementation of the proposed project. Furthermore, while Base operations were observable from the project site, these aircraft were not audible.

POPULATION AND HOUSING

Thresholds of Significance – Would the project:

- a) Induce substantial 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)?
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No impact (a-c): The proposed residential development project represents a land use that was analyzed in the MVGP FEIR. The analysis concluded that City could accommodate the anticipated population growth described in the MVGP without significant impact. In addition, the MVGP FEIR also concludes that the potential impacts of the displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, or the displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere were not likely to be significant. Finally, no significant direct, indirect, or cumulative impact to population and housing was identified in the MVGP FEIR.³⁰

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³⁰ City of Moreno Valley. 2006. General Plan Final Program EIR. Chapter 5.12 – Population and Housing.

PUBLIC SERVICES

Thresholds of Significance – Would the project:

- a) 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:
 - Fire protection?
 - Police protection?
 - Schools?
 - Parks?
 - Other public facilities?

Less Than Significant Impact (a): The proposed project is required to comply with mitigation measures throughout the MGVP FEIR,³¹ and provisions of the City of Moreno Valley's Development Impact Fee Ordinance,³² which requires a fee payment that the City applies to the funding of public facilities, including fire and police protection facilities, schools, parks, libraries and other public facilities. Mandatory compliance with the Development Impact Fee Ordinance would be required prior to the issuance of building permits. Based on the foregoing, the proposed project would not result in significant impacts to public services that were not contemplated in the MVGP FEIR.

³¹ Ibid. Chapter 2.0 – Executive Summary.

³² City of Moreno Valley Municipal Code. Title 3 Revenue and Finance. Chapter 3.38 Residential Development Impact Fees.

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RECREATION

Thresholds of Significance - Would the project:

- a) 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?
- b) 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?

Less Than Significant Impact (a-b): The proposed project is required to comply with mitigation measures throughout the MGVP FEIR,³³ and provisions of the City of Moreno Valley's Development Impact Fee Ordinance,³⁴ which requires a fee payment that the City applies to the funding of public facilities including parks. Mandatory compliance with the Development Impact Fee Ordinance would be required prior to the issuance of building permits. Based on the foregoing, the proposed project would not result in significant impacts to Recreation that were not contemplated in the MVGP FEIR.

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MVGP FEIR. Chapter 2.0 – Executive Summary.

City of Moreno Valley Municipal Code. Title 3 Revenue and Finance. Chapter 3.38 Residential Development Impact Fees.

TRANSPORTATION/TRAFFIC

Thresholds of Significance – Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Less Than Significant Impact (a-b): As determined by the City Traffic Engineer, the proposed project would not generate additional vehicular trips either directly, indirectly, or cumulatively other than what has already been considered under the MVGP, and would not require a Traffic Study. 35 Also, since this proposed project would not generate a significant number of additional vehicle trips, it is not anticipated that the LOS of any nearby intersection will be affected. Therefore, no significant change to the levels of service of nearby intersections and only an incremental increase of traffic load or capacity are expected with implementation of this project and the project's individual or cumulative impact to all applicable plans, ordinances or policies pertaining to the performance of the circulation system will be less than significant. In addition, as a condition of development, the proposed project would be required to pay the appropriate amount of Traffic Uniform Mitigation Impact Fees (TUMF)³⁶ for potential improvements the adjacent circulation system: Cactus Avenue, Perris Boulevard, and Delphinium Avenue. In addition, the proposed project would be conditioned to repair, replace or install any damaged, substandard or missing improvements on Cactus Avenue, Perris Boulevard, and Delphinium Avenue. Furthermore, pursuant to Section 15130(a)(3) of the CEQA Guidelines, contributions to the Transportation Uniform Mitigation Fee Program (TUMF) and the Development Impact Fee Program (DIF) will serve as the projects fair share contribution to mitigate cumulative impacts to less than significant. 37

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Less Than Significant Impact (c): The proposed project is consistent with the MVGP and relevant airport compatibility plans (see Hazards and Hazardous Materials). Consistency with the MVGP and development of the project in compliance with the MVMC would insure that the proposed project would have a less than significant impact on air traffic patterns.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

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Michael Lloyd, Senior Engineer, P.E. City of Moreno Valley Transportation Engineering Division. Email Communication. September 19, 2013, 9:44 AM.

³⁶ City of Moreno Valley Municipal Code. Title 3 Revenue and Finance. Chapter 3.38.030 Arterial Streets Residential Development Impact Fees.

³⁷ MVGP FEIR. Chapter 2.0 Executive Summary. Table 2-2 Environmental Impacts and Mitigation Measures.

Less Than Significant Impact (d): The proposed project as designed would be compatible with adjacent existing uses and street configurations. Also, it has been designed so as not to cause any incompatible use or additional hazards to the surrounding area or general public. As a condition of approval, the interior streets, all proposed driveways, sidewalks, walls/fences, and landscaping will be required comply with the applicable development standards of the MVMC. Therefore, this project will have a less than significant impact on increasing hazards through design or incompatible uses directly, indirectly or cumulatively.

e) Result in inadequate emergency access?

Less Than Significant (e): The proposed project will comply with adopted regulations contained in the MVMC. As a result, as a condition of development, the project would provide adequate emergency access.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less Than Significant Impact (f): The proposed project would implement the MVGP Circulation Element policies and programs which would facilitate pedestrian, bicycle, bus and rail improvements. Therefore, the project would not result in a conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. No significant impacts relative to alternative transportation is anticipated.

UTILITIES AND SERVICES SYSTEMS ISSUES:

Thresholds of Significance – Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- e) 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?
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

Less Than Significant Impact (a-g): Wastewater service is provided to the project site by Eastern Municipal Water District (EMWD). EMWD is required to operate all of its treatment facilities in accordance with the waste treatment and discharge standards and requirements set forth by the Regional Water Quality Control Board (RWQCB). The proposed project would not install or utilize septic systems or alternative wastewater treatment systems; therefore, the project would have no potential to result in exceedances of the applicable wastewater treatment requirements established by the RWQCB. Accordingly, impacts would be less than significant.

Domestic water and wastewater services are provided to the project site by EMWD. The proposed project would require the installation of onsite water and wastewater conveyance lines to serve the proposed residential development and connect to existing, offsite facilities in the abutting public roadways. Except for small encroachments into adjacent public rights of way of developed/paved streets to connect to existing lines, no physical disturbance for the construction of water or wastewater facilities would be required to service the project. As such, no significant impacts particular to the construction of water or wastewater facilities would occur that would not otherwise occur from grading and development on the project site.

The proposed project is fully consistent with the assumptions made in EMWD's 2010 Urban Water Management Plan. EMWD's 2010 Urban Water Management Plan concludes that the EMWD has sufficient water supplies available to serve planned land uses within its service area through at least 2035. Because sufficient water supplies are available to service the proposed project as documented in EMWD's Urban Water Management Plan, impacts would be less than significant.

The project would be required to comply with the City of Moreno Valley's waste reduction programs, including recycling and other diversion programs to divert the amount of solid waste deposited in landfills. As such, the project applicant or master developer would be required to work with future refuse haulers to develop and implement feasible waste reduction programs, including source reduction, recycling, and composting. Additionally, in accordance with the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code § 42911), the project would provide

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adequate areas for collecting and loading recyclable materials where solid waste is collected. The collection areas are required to be shown on construction drawings and be in place before occupancy permits are issued. The implementation of these programs would reduce the amount of solid waste generated by the project and diverted to landfills, which in turn will aid in the extension of the life of affected disposal sites. The project would comply with all applicable solid waste statutes and regulations; as such, impacts would be less than significant.

The MVGP analyzed the potential impacts to Utility and Services presented above and deemed them less than significant after mitigating the specific impacts to expand infrastructure. Therefore, compliance with relevant mitigation measures contained in the MGVP FEIR and the goals, policies, and objectives contained in the MVGP would insure that impacts to Utilities and Service Systems as a result of the proposed project are less than significant.

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MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to 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, 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?

Less Than Significant Impact (a): The proposed project's compliance with the goals, policies, and objectives of the MVGP; the mitigation measures contained in the MSHC and the SKR HCP; the mitigation measures contained in the MVGP FEIR; and the Moreno Valley Municipal Code would insure the project would not have significant potential to 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, 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.

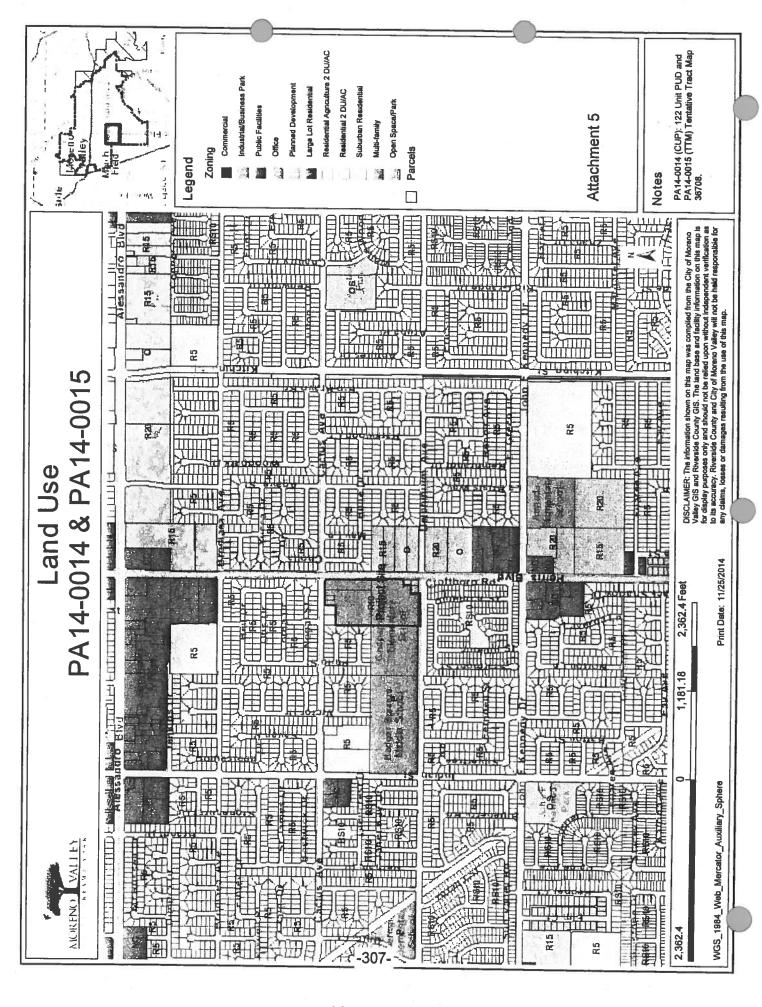
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

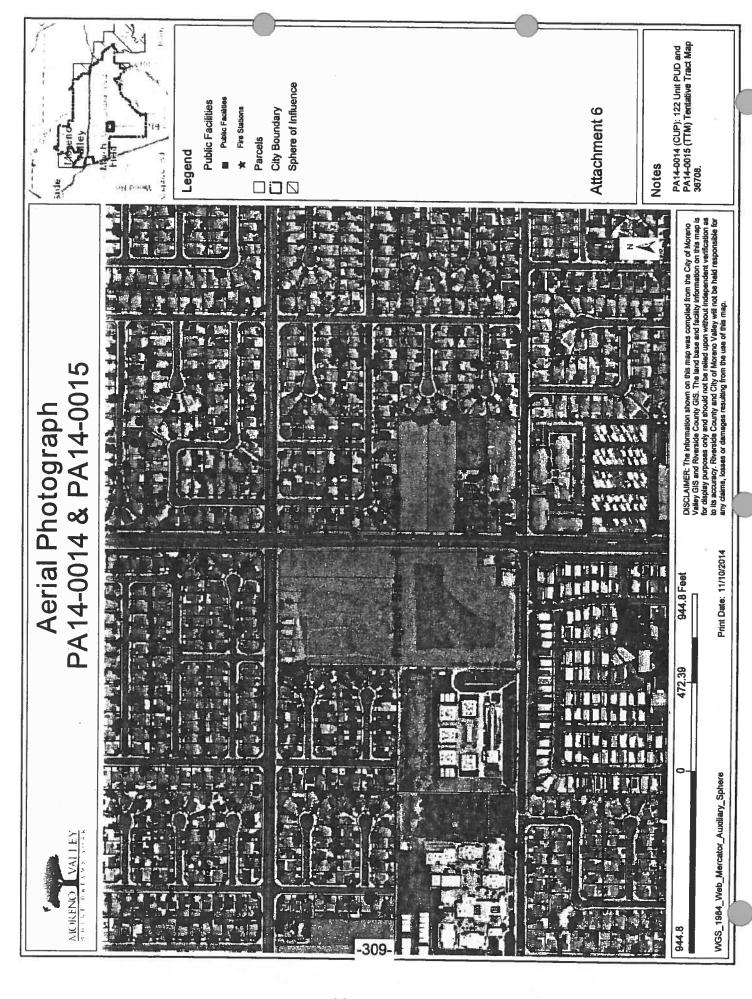
Less Than Significant Impact (b): The proposed project is consistent with the MVGP; therefore, no new cumulative impacts not previously addressed in the MVGP FEIR are anticipated as a result of this residential development. In addition, any potential cumulative considerable impacts as a result of the proposed project would be less than significant with compliance with the goals, objectives, and policies of the MVGP, compliance with the mitigation measures contained the MVGP FEIR, and compliance with the Moreno Valley Municipal Code.

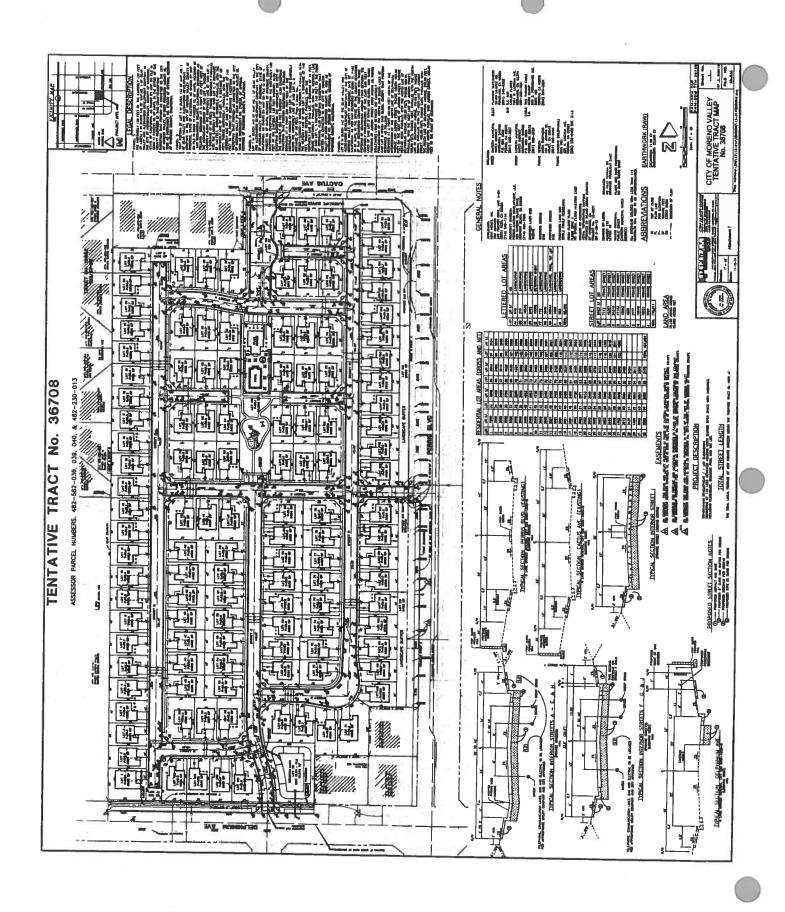
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

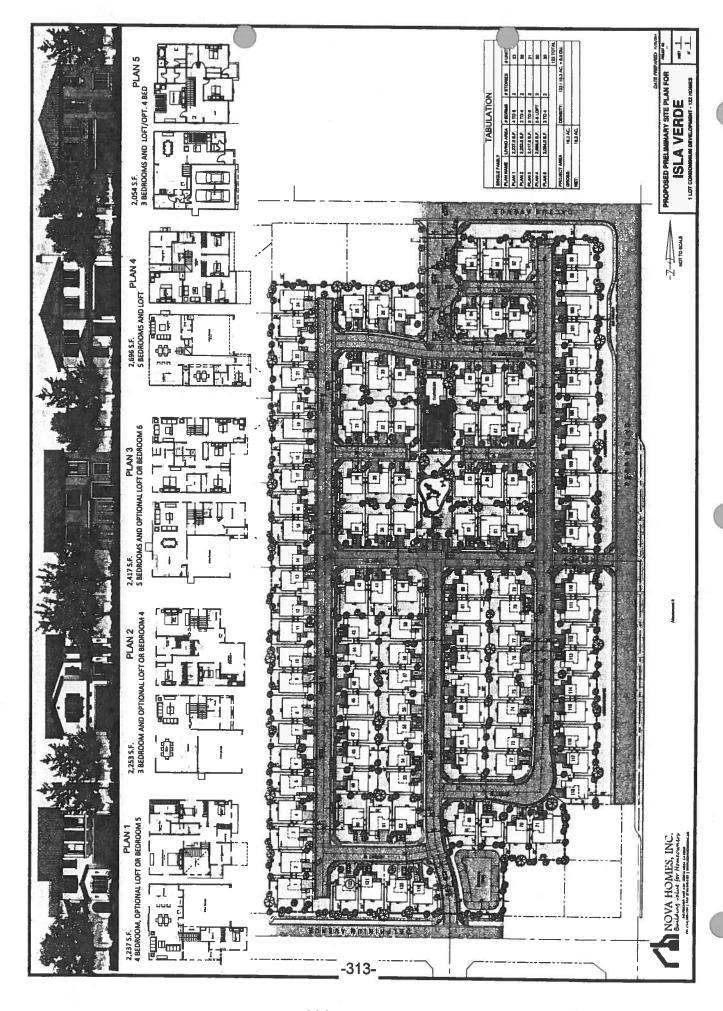
Less Than Significant Impact (c): Based on the analysis of this initial study, the project would not cause substantial adverse effects on human beings, either directly or indirectly.

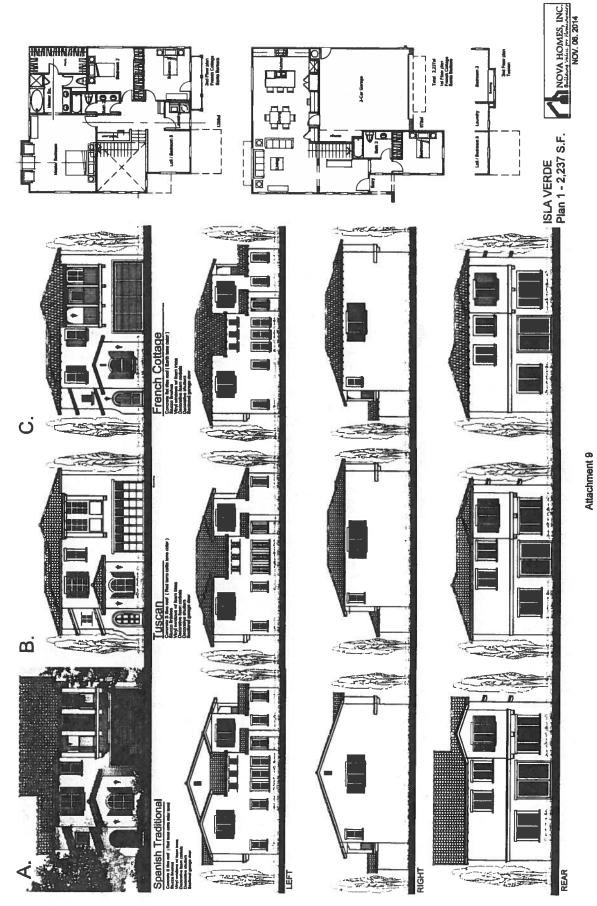
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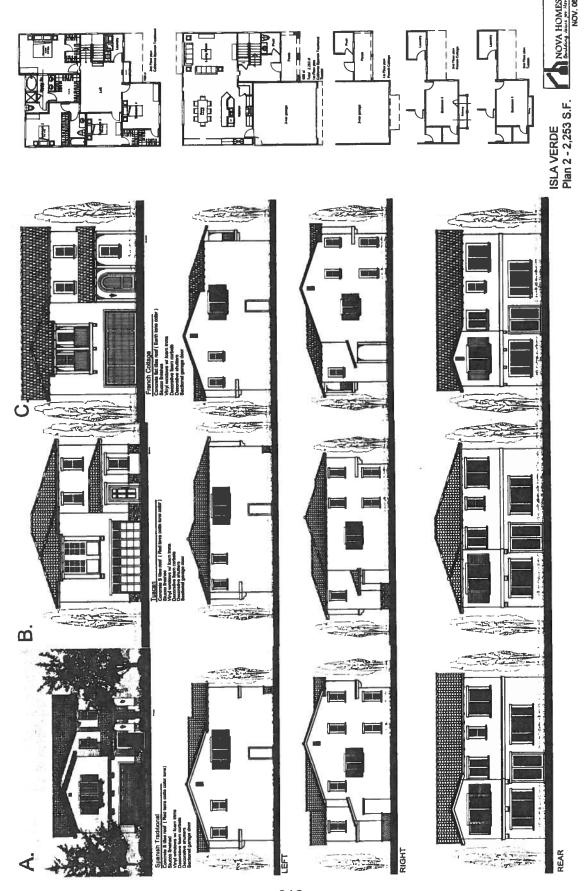




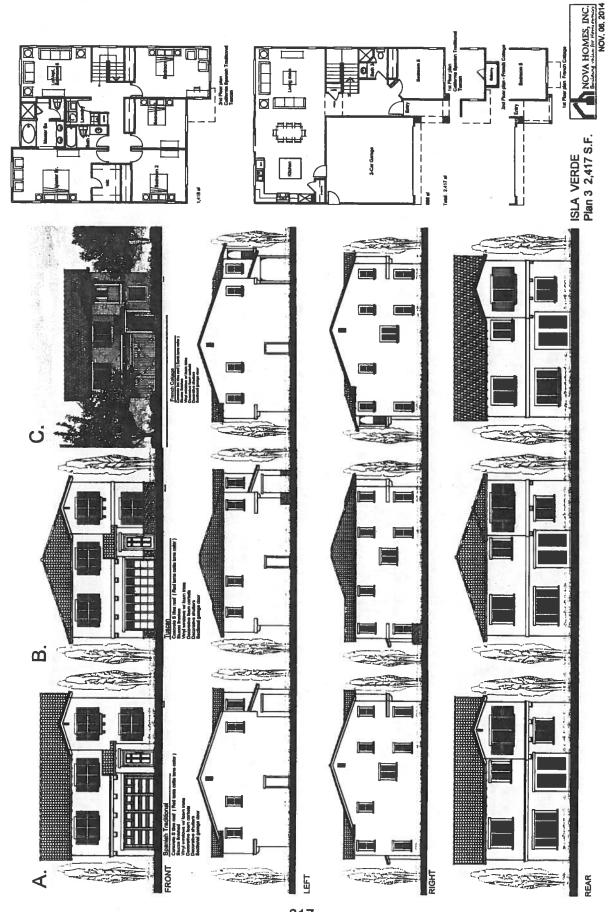




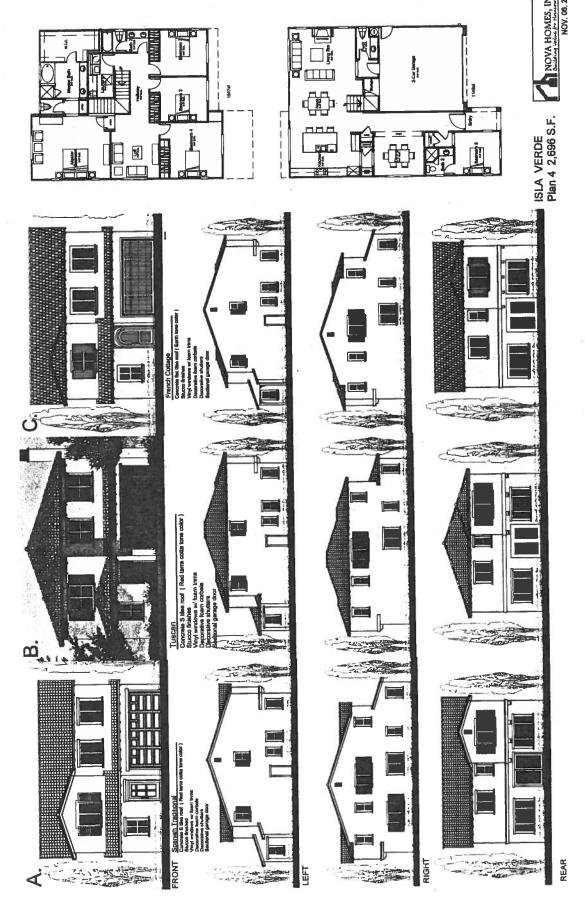
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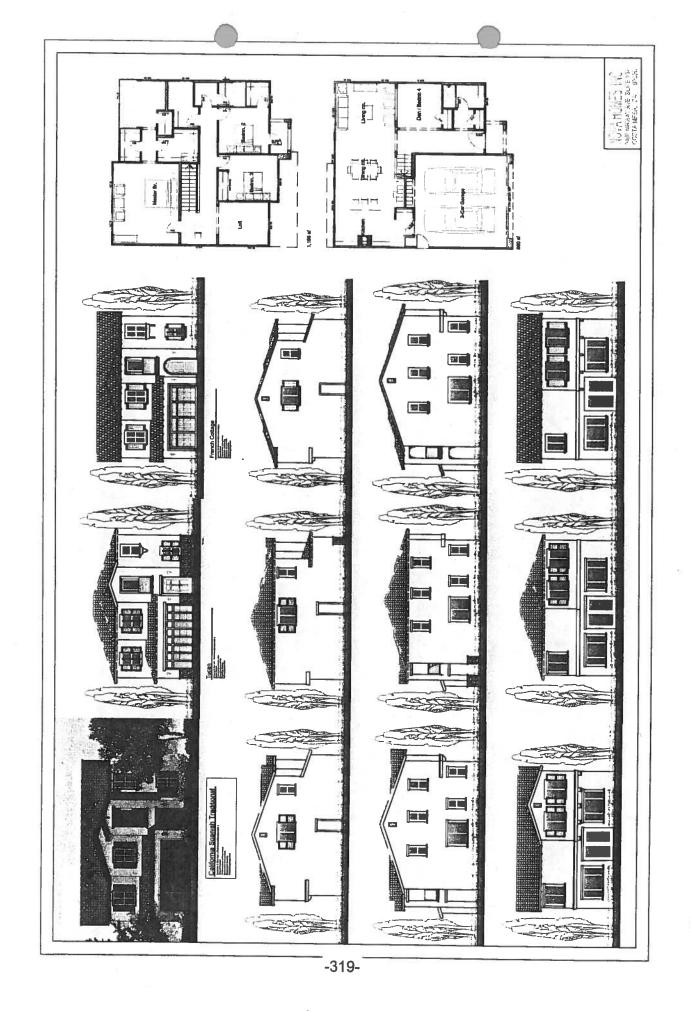
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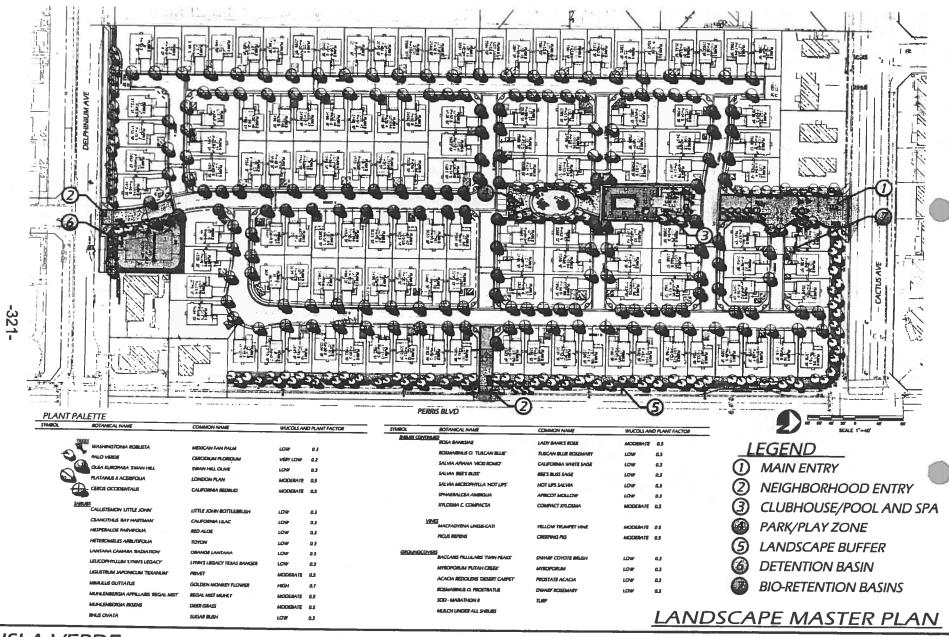
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Item No. E.3



ISLA VERDE CITY OF MORENO VALLEY NOVA HOMES

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IAN DAVIDSON LANDSCAPE ARCHITECTURE 3547 MARKET STREET RIVERSIDE CA 92501 951 MBJ 1283 F 951 MBJ 4352 PROJECLA - 14028 DATE - 11-26-14 This page intentionally left blank.

Isla Verde

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Attachment 11 -323-

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Section 1

Introduction

Site Plan

Section 2

Architectural

2.1- Residence 1-Gioia

2.2- Residence 2-Cecilia

2.3- Residence 3-Katherine

2.4- Residence 4-Camilla

2.5- Residence 5-Maria

2.6- Clubhouse

Section 3

Landscape Master Plan & Plant Palette

Executive Summary

Isla Verde is a planned residential community located on 15.92 acres of vacant land situated on the west side of Perris Boulevard between Cactus Ave. on the north and Delphinium Ave. on the south.

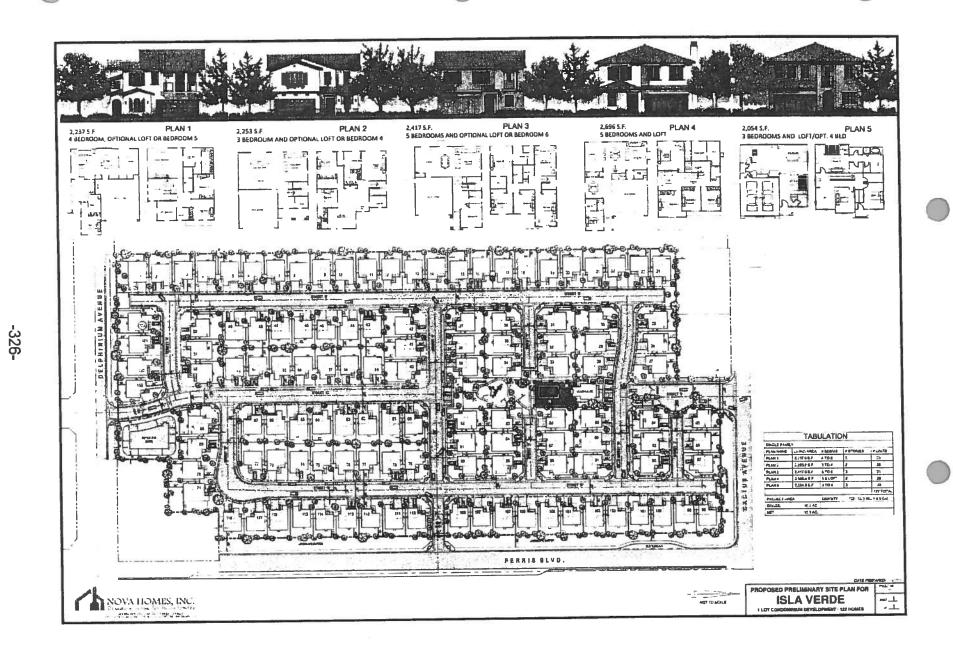
Isla Verde consists of 122 detached single family homes in a single lot condominium format ranging in size from 2054 SF to 2696 SF. The condominium format enables compliance with the density requirements of R10 zoning.

There will be five floor plans. Each floor plan will be available in a Spanish, Tuscan or Cottage architectural style assuring a diverse and interesting street scene. Neither the same floor plan nor the same elevation style will be plotted next to itself or directly across the street. Repetitive patterns of garage placement will be avoided.

Isla Verde will be gated with amenities that include a 1700 SF clubhouse and meeting room, swimming pool and children's play area. The streets will be private streets built to public street standards with ample street parking. Building exteriors as well as all common area amenities, streets, front yard landscaping and perimeter landscaping will be maintained by a homeowner's association assuring the "look" and "style" of Isla Verde will be maintained for generations to come.

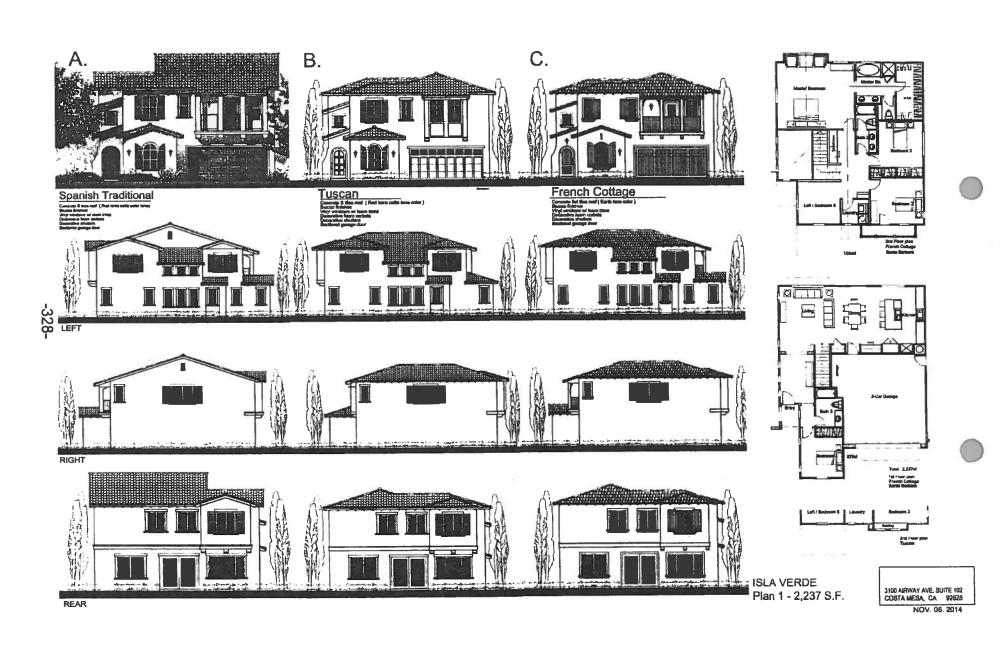
Three points of access, one each on Perris Blvd., Cactus Ave. and Delphinium Ave., provide convenient access and an on-site circulation system consistent with the City of Moreno Valley standards. Off-site improvements for which Isla Verde will be conditioned to make include a raised landscape median on Perris Blvd. along the project frontage. Cactus Ave. will be required to be constructed as Minor Arterial and Delphinium Ave. as a collector, all in furtherance of the Moreno Valley Master Circulation Plan.

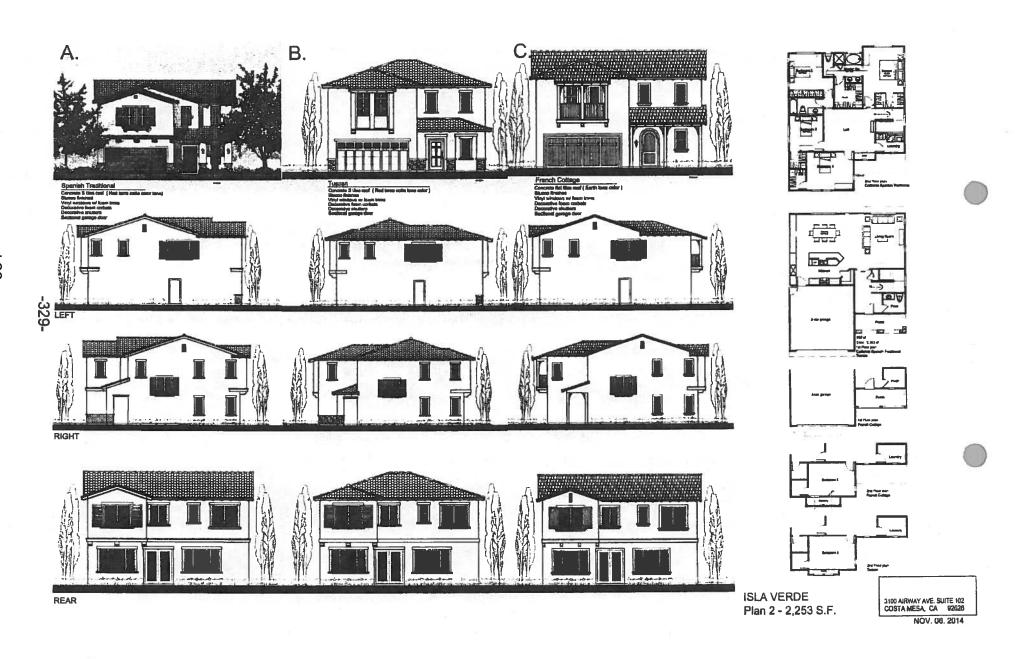




Isla Verde

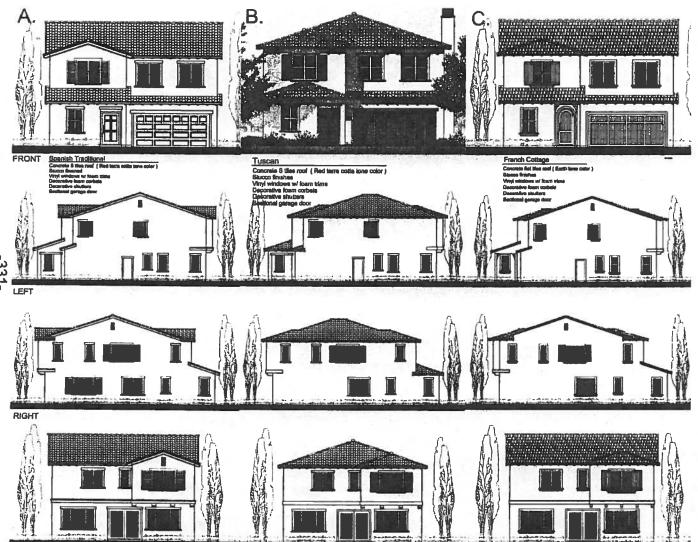
Floor Plans & Elevations

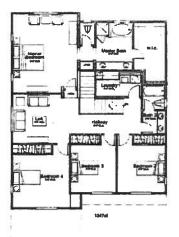


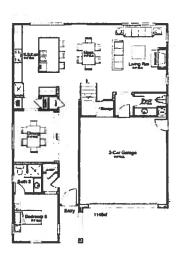




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ISLA VERDE Plan 4 2,696 S.F.

3100 AIRWAY AVE SUITE 102 COSTA MESA, CA 92626 NOV. 08. 2014

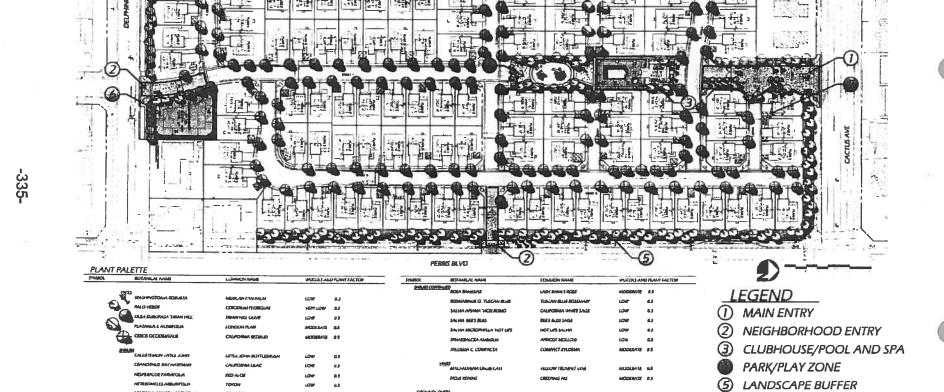






Landscape Master Plan

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ISLA VERDE CITY OF MORENO VALLEY NOVA HOMES

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PROJECT 6-14026 QATE-11-26-14

DETENTION BASIN BIO-RETENTION BASINS

LANDSCAPE MASTER PLAN

To The City of Moreno Valley



ATTN: Members of the Planning Commission

I am a current land owner of 30 years residing at 24848 Cape Cod St., Moreno Valley, CA. It has come to my attention that you are considering a permit to build single family homes on the land directly behind my house. I have several concerns pertaining to its plot plans and the placement of two story homes along the west end of the project. First of all, there is a dispute regarding the property line between our two properties. The applicant as well as city planners have repeatedly mistakenly assumed the property line is the fence line which is the top of the slope and not the bottom of the incline Once this matter has been resolved to the satisfaction of all property owners with a vested interest then consideration can be given to appropriate fencing placement buffering to ensure adequate privacy and quality of life for all parties with a vested interest. It is my opinion only single story and or open space should be built. The fact that two story homes are being proposed and being built just 15 feet from the property line places these homes directly over my house taking away any easterly view and allowing property owners to easily peer onto my property from the 2nd story window. As the project now stands with the elevations of the models having six to eight windows in the rear second story level and the fact the second stories will line up to the top of my fencing. To my knowledge, Moreno Valley has never allowed two story homes to be built up against already existing single story homes in this manner, so why start now? Second of all, The project is proposing a gated community, where cars coming and going out of the project must wait for a gate to open and close. Cactus Ave and Perris Blvd. have got to be two of the busiest streets in Moreno Valley. During certain times of day the traffic is backed up way beyond the corner of Perris and Cactus to Philo St. going east bound that even inlets are insufficient to mitigate this additional traffic nightmare. In conclusion, I propose that the project reduce the number of homes along with eliminating the inlets to help facilitate a more reasonable compromise concerning traffic concerns, and that only single story homes be built along the west end of the project to ensure that existing home owners' privacy be appropriately addressed.

I want to say I've had the project owner in my home and rear property at this meeting and I told him I was going to have a problem with two storys especially since I'm at the end of the cul de sac and my house faces southwest in front (on a diagonal) and I would be contending with four houses if not more with full view of my property and therefore have no privacy or sky.

It is important for the commission to know the applicant initiated work on the property before the ink was dry and recorded in title with the county and the city could ascertain ownership. This is important to mention because the applicant came in and razed olive trees some in the city right of way some probably in the right of way of the state. The workers trespassed on private property and refused to stop until MVPD arrived and we managed to save the tree we've watered for 30 years.

Sincerely,
Randy Nickel

Pandy Nickel

12/11/2014

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Isla Verde 122-Unit Single-Family Townhomes Conditional Use Permit Initial Study/Mitigated Negative Declaration

Prepared for:

City of Moreno Valley

Community & Economic Development Department

Planning Division

14177 Frederick Street

Moreno Valley, CA 82552

Prepared by: Clark Seif Clark (CSC), Inc. 110 Pine Avenue, Suite 925 Long Beach, CA 90802

Telephone: (562) 435-8080 Facsimile: (562) 590-8795

CSC Project Identification: 4006731

November 26, 2014

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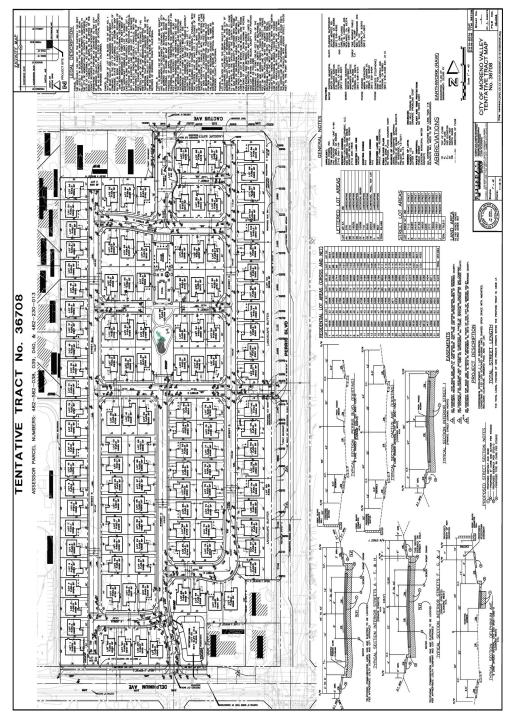
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INITIAL STUDY/ENVIRONMENTAL CHECKLIST FORM

- 1. Project title: Isla Verde 122-Unit Single-Family Townhomes Conditional Use Permit (CUP)
- 2. **Lead agency name and address:** City of Moreno Valley Community & Economic Development Department, Planning Division, 14177 Frederick Street, Moreno Valley, CA 92552
- 3. Contact person and phone number: Claudia Manrique, Senior Planner, (951) 413-3206
- 4. **Project location:** 24939 Cactus Avenue/Southwest Corner of Perris Boulevard and Cactus Avenue, Moreno Valley, CA 92553
- 5. **Project sponsor's name and address**: Thomas Mungari, Nova Homes, Inc., 245 Fischer Drive, Unit A-8A, Costa Mesa, CA 92626
- 6. **General plan designation**: Residential/Office (R/O)
- 7. **Zoning**: Planned Unit Development (PUD)
- 8. **Description of project**: The proposed project is a 15.9-acre Single Lot Condominium Development Subdivision (Figure 1 Proposed Preliminary Site Plan for Isla Verde) improved with 122 free-standing, single-family residences with shared open space. The project would include the following amenities: clubhouse, swimming pool, and child-play area (Tot Lot) totaling 20,543 square feet (sf) of land area. The project would also include approximately 31,447 sf of landscaping, and a 10,508-square-foot detention basin. The proposed lot sizes range in area from 3,378 sf to 4,999 sf, and would be occupied with dwellings ranging in living area from 2,054 sf (3 to 4 bedrooms) to 2,696 sf (5 bedrooms with loft).

The proposed project would include six-foot high solid decorative block walls (required) along the northern, southern and eastern perimeters of the project for noise abatement.



Isla Verde 122-Unit Single-Family Townhomes Conditional Use Permit Initial Study/Mitigated Negative Declaration

- 9. Surrounding land uses and setting: Land uses surrounding the proposed project are as follows:
 - North Single-family residential tract;
 - East Single-family residential tract, open space, Childtime child care facility, and free-standing single-family residences;
 - South Single-family residential tract;
 - East Chaparral Hills Elementary School and Badger Springs Middle School.
- 10. Other public agencies whose approval is required: Santa Ana Regional Water Quality Control Board (Construction Activity General Construction Permit; NPDES Permit), Riverside County Flood Control and Water Conservation District (Water Quality Management Permit and storm drain design), and Eastern Municipal Water District (domestic water and sewer system design).

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.

Aesthetics	Agriculture and Forestry Resources	Air Quality
Biological Resources	Cultural Resources	Geology /Soils
Greenhouse Gas Emissions	Hazards & Hazardous Materials	Hydrology/Water Quality
Land Use/Planning	Mineral Resources	Noise
Population/Housing	Public Services	Recreation
Transportation/Traffic	Utilities/Service Systems	Mandatory Findings of Significance

DETERMINATION:	
On the basis of this initial evaluation:	
I find that the proposed project COULD NOT have a significant NEGATIVE DECLARATION will be prepared.	effect on the environment, and a
I find that although the proposed project could have a significant will not be a significant effect in this case because revisions in the proto by the project proponent. A MITIGATED NEGATIVE DECLARATION was a significant effect.	oject have been made by or agreed
I find that the proposed project MAY have a significant effe ENVIRONMENTAL IMPACT REPORT is required.	ect on the environment, and an
I find that the proposed project MAY have a "potentially s significant unless mitigated" impact on the environment, but at least analyzed in an earlier document pursuant to applicable legal standarmitigation measures based on the earlier analysis as descentification measures based on the earlier analysis as descentification.	one effect 1) has been adequately rds, and 2) has been addressed by ribed on attached sheets. An
I find that although the proposed project could have a signif because all potentially significant effects (a) have been analyzed NEGATIVE DECLARATION pursuant to applicable standards, and (b) pursuant to that earlier EIR or NEGATIVE DECLARATION, including revaluations are imposed upon the proposed project, nothing further is required.	adequately in an earlier EIR or have been avoided or mitigated
Signature	Date
Signature	Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 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 (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 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.
- 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.

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- "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the 4) 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 (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 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 negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 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.
- This is only a suggested form, and lead agencies are free to use different formats; however, lead 8) 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 significance.

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ENVIRONMENTAL ISSUES

<u>=:</u>				
Environmental Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in				

Forest Protocols adopted by the California Air Resources Board. Would the project:

Environmental Issues:	Potentially Significant Impact	Less Than Significant with 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?				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			\boxtimes	
c) 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 Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				
d) Result in the loss of forest land or conversion of forest land to non-forest use?			\boxtimes	
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?				
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?		X		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?		X		
e) Create objectionable odors affecting a substantial number of people?				
IV. BIOLOGICAL RESOURCES:				

Would the project:

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Environmental Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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 Game or U.S. Fish and Wildlife Service?				
b) 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 Game or US Fish and Wildlife Service?				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
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?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				
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?				

Environmental Issues:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No .
V. CULTURAL RESOURCES. Would the project:	Impact	Incorporated	Impact	Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?		X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
d) Disturb any human remains, including those interred outside of formal cemeteries?		X		
VI. GEOLOGY AND SOILS. Would the project:				
 a) 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.				
ii) Strong seismic ground shaking?			\bowtie	
iii) Seismic-related ground failure, including liquefaction?			\boxtimes	
iv) Landslides?			\boxtimes	
b) Result in substantial soil erosion or the loss of topsoil?				
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?				

Environmental Issues:		Less Than Significant		
	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				
<u>VII. GREENHOUSE GAS EMISSIONS.</u> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				
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?				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				
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?				

Environmental Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 for people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?				
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				

Environmental Issues:		Less Than Significant		
	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				
e) 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?				
f) Otherwise substantially degrade water quality?				
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				
j) Inundation by seiche, tsunami, or mudflow?				\boxtimes
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?			\boxtimes	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				

Environmental Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				
XI. MINERAL RESOURCES. Would the project:				
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?				
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?				
XII. NOISE Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
 b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? 				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				
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 expose people residing or working in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				

Environmental Issues:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No
	Impact	Incorporated	Impact	Impact
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial 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)?				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				
XIV. PUBLIC SERVICES.				
a) 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:				
Fire protection?				
Police protection?			\boxtimes	
Schools?			\boxtimes	
Parks?			\boxtimes	
Other public facilities?			\boxtimes	
XV. RECREATION.				
a) 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?				

Environmental Issues:	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No
b) 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?	Impact	Incorporated	Impact	Impact
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				
e) Result in inadequate emergency access?				
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				

Environmental Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				
e) 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?				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				
g) Comply with federal, state, and local statutes and regulations related to solid waste?				
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to 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, 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?				
b) Does the project 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				

Environmental Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
other current projects, and the effects of probable future projects)?				
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				

IMPACT DISCUSSION

This Initial Study/Mitigated Negative Declaration (IS/MND) tiers from and incorporates by reference the following document:

• City of Moreno Valley General Plan Final Program Environmental Impact Report (MVGP FEIR)¹

Section 15152 of the CEQA Guidelines² state that tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan. Subsequent activities must be examined in light of the Moreno Valley General Plan Final Program Environmental Impact Report (MVGP FEIR) to determine whether an additional environmental document must be prepared.³ If a subsequent project or later activity would have effects that were not examined in the MVGP FEIR, or not examined at an appropriate level of detail to be used for the subsequent activity, a new initial study would need to be prepared in accordance with CEQA to determine the appropriate environmental document needed. If the City finds that pursuant to Section 15152 and Section 15168 of the CEQA Guidelines that no new effect could occur or no new mitigation would be required for a subsequent project, the City can approve the activity as being within the scope of the project covered by this Program EIR and no new environmental documentation would be required. Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects.

The City of Moreno Valley General Plan Program EIR is available for public review at the City of Moreno Valley Community and Economic Development Department, 14177 Frederick Street, P.O. Box 88005, Moreno Valley, California 92552-0805.

This IS/MND also relies on the following documents:

- City of Moreno Valley General Plan (MVGP).
- City of Moreno Valley Municipal Code (MVMC).⁴
- Synectecology. Air Quality Analyses for the Isla Verde Residential Development to be Located in the City of Moreno Valley. January 2014. (Appendix A).
- David Magney Environmental Consulting. Burrowing Owl Preconstruction Survey for Nova Homes, Inc., Isla Verde Site. January 2014. (Appendix B).
- Soils Southwest, Inc. Phase I Environmental Site Assessment (ESA) Proposed Residential Development Cactus Avenue & Perris Boulevard, Moreno Valley, California. August 2013. (Appendix C).
- Soils Southwest, Inc. Preliminary Report of Soils and Foundation Evaluations Proposed Residential Development SWC Perris Boulevard & Cactus Avenue, City of Moreno Valley, Riverside County, California. September 2013. (Appendix D).
- Prizm Group. Preliminary Project-Specific Water Quality Management Plan. January 2014.
- Synectecology. Noise Impacts Analyses for the Isla Verde Residential Development to be Located in the City of Moreno Valley. January 2014. (Appendix E).

¹ City of Moreno Valley. 2006. Moreno Valley General Plan Final Program EIR. http://www.moreno- valley.ca.us/city hall/general plan.shtml

² California Code of Regulations. 2013. Title 14. Chapter 3: Guidelines for Implementation of the California Environmental Quality Act. §15152(a) Tiering.

³ MVGP FIER. 1.0 – Introduction.

⁴ City of Moreno Valley Municipal Code: http://gcode.us/codes/morenovalley/

- PCR Services Corporation. Cultural Resources Assessment for the Proposed Isla Verde Residential Development Project, City of Moreno Valley, County of Riverside California. January 31, 2014. (Appendix F).
- Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Final EIR, certified October 2003.
- Riverside County Airport Land Use Commission. March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan. June 2013.

AESTHETICS

Thresholds of Significance – Would the project:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact (a-d): The proposed project is located in the City of Moreno Valley in the relatively flat valley floor surrounded by the Box Springs Mountains and Reche Canyon area to the north, the "Badlands" to the east, and the Mount Russell area to the south. These features provide the City with outstanding scenic vistas. In addition, views of the San Bernardino and San Gabriel Mountains are evident at times from the valley floor⁵ – views that would remain available to the site and vicinity after development of the proposed project. However, review of the MVGP Figure 7-2⁶ indicates the proposed project is not located on or near a state scenic highway, nor geographically located such that it would have an adverse effect on a scenic vista.

Design of the proposed project would incorporate MVGP objectives, goals, and policies that foster visually attractive development, and comply with MVMC guidelines that regulate the aesthetic quality of new development with respect to structures, signs, walls, landscaping and other improvements. Existing regulations would also regulate lighting for the proposed project such that it would not cause excessive light and glare on adjacent properties. Development of the proposed project in accordance with relevant MVGP objectives, goals, and policies below would insure that the proposed project would result in a less than significant impact to Aesthetics.

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⁵ City of Moreno Valley. 2006. Moreno Valley General Plan Final Program EIR. Chapter 5.11–Aesthetics.

⁶ Ibid. Figure 5.11-1, Major Scenic Resources.

⁷ City of Moreno Valley. 2006. Moreno Valley General Plan. Chapter 9 – Goals and Objectives. http://www.morenovalley.ca.us/city hall/general plan.shtml

AGRICULTURE AND FORESTRY RESOURCES

Thresholds of Significance – Would the project:

- 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?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) 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 Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 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?

Less Than Significant Impact (a-e): The City of Moreno Valley has a long history of agricultural use, including grazing, groves, dry grain, and truck crop production. Lands currently used for agriculture are concentrated in the eastern portion of the City. However, the proposed property and vicinity are currently zoned for residential/office uses, and designated in the MVGP as *Urban and Built-Up Land* (Figure 5.8-1 – *Important Farmlands*). Therefore, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, conflict with existing zoning or a Williamson Act contract, cause rezoning of forest land, or result in changes in the existing environment that could result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

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⁸ City of Moreno Valley. 2006. Moreno Valley General Plan FEIR. Chapter 5.8 –Agricultural Resources.

AIR QUALITY

Thresholds of Significance – Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact With Mitigation (a): The proposed project is located in the South Coast Air Basin (SCAB). The South Coast Air Quality Management District (SCAQMD) and the Southern California Association of Governments (SCAG) are the agencies responsible for preparing the Air Quality Management Plan (AQMP) for the SCAB. Since 1979, a number of AQMPs have been prepared. The AQMP was designed to comply with State and federal requirements, reduce the high level of pollutant emissions in the SCAB, and ensure clean air for the region through various control measures. To accomplish its task, the AQMP relies on a multilevel partnership of governmental agencies at the federal, State, regional, and local level. These agencies (i.e., the United States Environmental Protection Agency (USEPA), CARB, local governments, SCAG, and SCAQMD) are the cornerstones that implement the AQMP programs.

On December 7, 2012, the SCAQMD adopted the 2012 Air Quality Management Plan. The purposes of the 2012 AQMP for the Basin are to set forth a comprehensive and integrated program that will lead the Basin into compliance with the federal 24-hour PM2.5 air quality standard, to satisfy the planning requirements of the federal Clean Air Act, and to provide an update to the Basin's commitments towards meeting the federal 8- hour ozone standards. It will also serve to satisfy the recent USEPA proposed requirement for a new attainment demonstration of the revoked 1-hour ozone standard, as well as a VMT emissions offset demonstration. Specifically, the Plan will serve as the official SIP submittal for the federal 2006 24-hour PM_{2.5} standard, for which USEPA has established a due date of December 14, 2012. In addition, the 2012 AQMP will update specific new control measures and commitments for emissions reductions to implement the attainment strategy for the 8-hour ozone SIP, and thus help to reduce reliance on CAA Section 182(e)(5) long-term measures. Once approved by the District Governing Board and CARB, the 2012 AQMP will be submitted to USEPA as the 24-hour PM_{2.5} SIP addressing the 2006 PM_{2.5} NAAQS and as a limited update to the approved 8-hour ozone SIP. The 1-hour ozone attainment demonstration and VMT emissions offset demonstration will also be submitted through CARB to the USEPA.9

The 2012 AQMP also includes an update on the air quality status of the Salton Sea Air Basin (SSAB) in the Coachella Valley, a discussion of the emerging issues of ultrafine particle and near-roadway exposures, a report on the health effects of PM2.5, and an analysis of the energy supply and demand issues that face the Basin and their relationship to air quality. Pursuant to statute, the public hearing will also discuss the report on health effects of PM_{2.5} (Health & Safety Code §40471).

The 2012 AQMP incorporates the most recent planning assumptions and the best available information including: revised stationary point and area source emissions inventories; on-road and off-road mobile source emissions inventories based on CARB's latest EMFAC2011 and Off-Road Models; the use of new meteorological episodes for ozone and expanded air quality modeling analysis; and the latest demographic growth forecasts based on the approved 2012 Regional Transportation Plan (2012 RTP) developed by SCAG.

⁹ Synectecology. January 2014. Air Quality Analyses for the Isla Verde Residential Development to be Located in the City of Moreno Valley.

The CEQA requires that projects be consistent with the AQMP. A consistency determination plays an essential role in local agency project review by linking local planning and unique individual projects to the AQMP in the following ways: (1) it fulfills the CEQA goal of fully informing local agency decision-makers of the environmental costs of the project under consideration at a stage early enough to ensure that air quality concerns are fully addressed; and (2) it provides the local agency with ongoing information assuring local decision-makers that they are making real contributions to clean air goals contained in the AQMP.

Only new or amended general plan elements, specific plans, and regionally significant projects need to undergo a consistency review. This is because the AQMP strategy is based on projections from local general plans. Projects that are consistent with the local general plan are, therefore, considered consistent with the air quality management plan.

As proposed, the Applicant seeks approval for a 122-unit residential development on 16.3 gross acres of land. The project represents infill development in an existing residential area. With the included mitigation, neither the construction (Table 1), nor the operation (Table 2) of the project is projected to exceed the daily threshold values suggested by the SCAQMD. Additionally, with the provided mitigation, the project would not result in significant localized air quality impacts. As such, the project is consistent with the goals of 2012 AQMP and, in that respect, does not present a significant air quality impact.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Construction:

Less Than Significant With Mitigation (b): The potential air quality impacts associated with and attributable to the construction and operation of the project are addressed separately below.

Air quality impacts may occur during site preparation and construction activities required to implement the proposed land uses. Major sources of emissions during construction include exhaust emissions, fugitive dust generated as a result of soil and material disturbance during site preparation and grading activities, and the emission of ROGs during the painting of the structures.

As noted, the project involves the construction of 122 single-family, detached residential units. Based on the proposed land use, by default the CalEEMod model allocates the construction over 380 working days and this schedule was retained for the analysis. Construction is assumed to begin in January 2015 and end in July 2016.

SCAQMD's Rule 403 governs fugitive dust emissions from construction projects. This rule sets forth a list of control measures that must be undertaken for all construction projects to ensure that no dust emissions from the project are visible beyond the property boundaries. Adherence to Rule 403 is mandatory and as such, does not denote mitigation under CEQA. The following analysis assumes the use of the minimal measures specified in Rule 403 that overlap between the rule and the CalEEMod model. These include: (1) soil stabilizers shall be applied to unpaved roads; (2) ground cover shall be quickly applied in all disturbed areas; and (3) the active construction site shall be watered twice daily. The model assigns a control efficiency of 55 percent for twice daily watering and a similar efficiency

was assumed for other controlled dust-producing, heavy equipment activities. In actuality, Rule 403 specifies several measures that the CalEEMod model does not consider (Table 4), so the modeled PM_{10} and $PM_{2.5}$ emissions associated with fugitive dust are considered conservative.

Table 1 includes the daily emissions projected for site construction. As indicated in the table, ROG emissions given off from the application of paints and coatings could exceed the daily threshold during building construction and mitigation is warranted to reduce this impact to less than significant.

				Table	1					
C	COMPARISON OF PROJECTED CONSTRUCTION EMISSIONS AND DAILY CRITERIA VALUES									
		AN		ounds		ALUES				
Source	ROG	NOx	со	SO ₂	PM ₁₀	_	PM ₁₀ Total			PM _{2.5} Total
Site Preparat	Site Preparation									
Off Road Diesel	5.26	56.84	42.59	0.04	3.66	3.09	6.74	2.01	2.84	4.85
Worker Trips	0.43	0.10	1.14	0.00	0.20	0.00	0.20	0.05	0.00	0.05
Totals	5.69	56.94	43.73	0.04	3.86	3.09	6.94	2.06	2.84	4.90
Grading	L		l .			l			L	
Off Road Diesel	6.77	78.97	50.79	0.06	1.76	3.80	5.56	0.73	3.49	4.22
Worker Trips	0.47	0.11	1.26	0.00	0.22	0.00	0.23	0.06	0.00	0.06
Totals	7.24	79.08	52.05	0.06	1.98	3.80	5.79	0.79	3.49	4.28
Building Cons	truction	•		l .				l.		•
Off Road Diesel	3.66	30.03	18.74	0.03	0.00	2.12	2.12	0.00	1.99	1.99
Vendor Trips	0.27	1.37	1.49	0.00	0.09	0.03	0.12	0.03	0.03	0.05
Worker Trips	1.09	0.25	2.90	0.01	0.51	0.00	0.52	0.14	0.00	0.14
Totals	5.02	31.65	23.13	0.04	0.60	2.15	2.76	0.17	2.02	2.18
Asphalt Pavin	Asphalt Paving									
Off Road Diesel	2.09	22.37	14.80	0.02	0.00	1.26	1.26	0.00	1.16	1.16
Worker Trips	0.33	0.07	0.85	0.00	0.17	0.00	0.17	0.04	0.00	0.05
Asphalt Totals	2.42	22.44	15.65	0.02	0.17	1.26	1.43	0.04	1.16	1.21
Coating	Coating									

Table 1 COMPARISON OF PROJECTED CONSTRUCTION EMISSIONS AND DAILY CRITERIA VALUES (pounds/day)

			(17)	<i>-</i>	,,					
Off-Gas	117.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off Road Diesel	0.37	2.37	1.88	0.00	0.00	0.20	0.20	0.00	0.20	0.20
Worker Trips	0.20	0.04	0.51	0.00	0.10	0.00	0.10	0.03	0.00	0.03
Coating Totals	118.25 ¹	2.41	2.39	0.00	0.10	0.20	0.30	0.03	0.20	0.23
Daily Threshold	75	100	550	150	>	→	150	>	→	55
Exceeds Threshold?	Yes	No	No	No			No			No

Notes:

The CalEEMod model projects summer and winter emissions and the higher of the two values is included in the table.

Mitigation

Painting and surface coating shall be limited to an aggregate area of no more than 25,000 square feet per day during any phase of construction,

Or,

Paints and surface coatings shall be limited to a VOC content of no more than 30 milligrams per liter of VOC content.

Residual Impact

Building construction is estimated to release 117.68 pounds of ROG per day for the application of paints and coatings for each of the 20 days associated with this phase of the schedule. The coatings are estimated to cover an area of 609,339 square feet for interior space and 203,113 square feet for exterior area for a total of 812,452 square feet. The reduction to under the 75 pound-per-day ROG threshold could be attained if the daily area to be painted is limited.

812,452 sq ft / 20 days = 40,623 sq ft/day

117.68 lb/day / 40,623 sq ft/day = 0.0029 lb/sq ft

75 lb/day - (0.37 lb [equipment] + 0.20 lb/day [worker travel]) = 74.43 lb/day

74.43 lb/day / 0.0029 lb/sq ft = 25,666 sq ft/day

¹ Bold value denotes a potentially significant impact.

Therefore, the restriction to no more than 25,000 square feet per day would ensure that the impact is reduced to less than significant.

Operational Impacts

Less Than Significant With Mitigation (b): The major source of long-term air quality impacts is that associated with the emissions produced from project-generated vehicle trips. With the exception of wood combustion, stationary sources add only minimally to these values.

Mobile Source Emissions

In accordance with the CalEEMod model, the project is estimated to generate approximately 1,235 average daily trips (ADT) on a weekday, 1,300 ADT on a Saturday, and 1,131 ADT on a Sunday. Because it results in the highest number of average daily vehicle trips, the model uses the Saturday traffic volume in the prediction of the daily emissions. The weekday and Sunday ADT values are considered in the annual emissions used in the projection of greenhouse gas emissions.

Emissions associated with project-related trips assume full occupancy in 2016. Since emissions per vehicle are reduced each year due to tightening emissions restrictions and the replacement of older vehicles from the road, the use of 2016 emission factors presents a worst-case analysis with regards to operational air quality impacts.

Again, both summer and winter scenarios were modeled and the higher of the two values are included in Table 2.

Stationary Source Emissions

In addition to vehicle trips, the occupants would produce emissions from on-site sources, including the combustion of natural gas for space and water heating and the use other heating sources (e.g., hearths). Additionally, the structures would be maintained and this requires repainting over time, thus resulting in the release of additional VOC (ROG) emissions. Also, the use of consumer aerosol products, such as retail cleaning supplies, is associated with the project. Finally, landscape maintenance equipment also produces emissions.

The project includes the operation of 122 residential units comprising approximately 300,908 square feet of floor area. The resultant emissions are projected by the CalEEMod computer model and included in Table 2. Note that ROG emissions could exceed their daily threshold value and the impact is potentially significant. Also note that the majority of these emissions are released from the operation of on-site "hearths."

Table 2
COMPARISON OF PROJECTED DAILY OPERATIONAL EMISSIONS
AND DAILY CRITERIA VALUES
(pounds/day)

Source	ROG	NOx	СО	SO ₂	PM ₁₀	PM _{2.5}
Mobile Sources	17.33	16.66	56.70	0.14	9.65	2.73

Table 2 COMPARISON OF PROJECTED DAILY OPERATIONAL EMISSIONS AND DAILY CRITERIA VALUES (pounds/day)

		(1000	mas, aa,,			
Natural Gas	0.13	1.10	0.47	0.01	0.09	0.09
Structural Maintenance	0.64	0.00	0.00	0.00	0.00	0.00
Consumer Products	5.96	0.00	0.00	0.00	0.00	0.00
Hearth	33.80	0.86	64.84	0.10	9.85	9.85
Landscape Maintenance	0.34	0.13	10.79	0.00	0.06	0.06
Operational Total	58.20 ¹	18.75	132.8	0.25	19.65	12.73
Threshold	55	55	550	150	150	55
Exceeds Threshold?	Yes	No	No	No	No	No

Notes:

The CalEEMod model projects summer and winter emissions. These differ for mobile sources and the higher of the two values were included in the table.

Mitigation

Any hearth, stove, or fireplace designed to burn wood shall be omitted or replaced with a unit designed to burn only natural gas.

Residual Impact

In accordance with the CalEEMod model User Guide, hearths are stoves and fireplaces that burn wood or biomass. The replacement of these units with natural gas burning fixtures would reduce the ROG from 33.80 pounds per day just 0.23 pound per day. Total daily ROG is then reduced to 24.63 pounds per day and the impact is reduced to less than significant.

Though less than significant, all other emissions associated with hearths would also be reduced substantially. For example CO would be reduced from 64.84 pounds per day to just 0.01 pound per day and $PM_{2.5}$ would both be reduced to just 0.15 pounds per day.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

¹ Bold value denotes a potentially significant impact.

Less Than Significant With Mitigation (c): In accordance with SCAQMD methodology, projects that do not exceed or can be mitigated to less than the daily threshold values do not add significantly to a cumulative impact. With the included mitigation neither construction nor operation of the project would exceed the recommended SCAQMD threshold levels and this impact is less than significant.

d) Expose sensitive receptors to substantial pollutant concentrations?

Short-Term Localized Impacts

Less Than Significant With Mitigation (d): In addition to the mass daily threshold standards discussed above, project construction has the potential to raise localized ambient pollutant concentrations. This could present a significant impact if these concentrations were to exceed the ambient air quality standards included in Table 1 at receptor locations.

The SCAQMD has developed screening tables for the construction of projects up to 5 acres in size. These tables are included in the *Final Localized Significance Threshold Methodology* (June 2003). The emissions values included in the screening tables are based on the emissions produced at the site and do not include mobile source emissions (i.e., trucks and worker vehicles) spread over a much larger area.

In accordance with the *Methodology*, receptor locations are to consider the actual location of the receptors. If these locations are unknown, or varied, they may be assumed to be located at distances of 25, 50, 100, 200, and 500 meters. In cases where proximate receptors may be closer than 25 meters, as per the *Methodology*, a value of 25 meters is to be used in the analysis as a worst-case scenario.

The Isla Verde residential project is spread over an area of about 16 acres and is larger than the examples included within the *Methodology*. However, because emissions are spread over a larger area, there is more area for emissions to dissipate before making their way offsite and if it can be shown that the daily emissions do not exceed those included in the screening tables for a smaller site, than off-site concentrations would be less than significant.

Screening level allowable emissions are calculated from the "mass-rate look-up tables" included in the *Final Localized Significance Threshold Methodology* (Appendix C). Rather than using the entirety of the site, the CalEEMod emissions model bases the area of disturbance on equipment use. Dozers, graders, and tractors are estimated to disturb an area of 0.5 acre while scrapers are estimated to disturb 1.0 acre over an 8-hour work day. Based on the equipment listing projected by the model, site preparation (i.e., three dozers) and grading (i.e., two scrapers, one grader, and one dozer) would disturb 1.5 and 3 acres per day, respectively, and are within the 5 acre limitation used in the screening tables. Because the project lies in a residential area and is surrounded by other dwellings, the minimal screening distance of 25 meters is used in the analysis.

The screening methodology allows for linear extrapolation for sites with areas of disturbance that lay between those included in the screening tables (i.e., 1, 2, and 5 acres). Still, if it can be shown that the daily emissions produced by the project would not exceed the limitations for a smaller area included in the screening tables, than this extrapolation becomes moot.

As noted, the project is located in SRA 23. The allowable screening levels for NOx and CO for a 1-acre

disturbance in SRA 23 are 118 and 602 pounds per day, respectively. These values are suggested for receptors located at 25 meters, the nearest distance to be used in the analysis. At peak on-site levels of 78.97 and 50.79 pounds per day for NOx and CO, respectively, these values are under those allowable for a 1-acre site and would not create localized impacts.

Because the Basin is a non-attainment area for particulate matter, the thresholds for both PM_{10} and $PM_{2.5}$ are much more stringent than those for CO and NOx. In the case of PM_{10} , the screening tables show allowable values of 4 and 7 pounds per day for 1- and 2-acre sites, respectively, with receptors at 25 meters. At 6.74 pounds per day, site preparation results in the highest level of PM_{10} while disturbing an area that is half the size of that for projected for grading. The threshold for a 1.5 acre site is determined as follows.

 $PM_{10} = (4 \text{ lb/day} + 7 \text{ lb/day}) / 2 = 5.5 \text{ lb/day threshold for 1.5 acres.}$

At 6.74 pounds per day for on-site PM₁₀ during site preparation, this impact is potentially significant.

Grading activities are projected to disturb 3 acres per day but only produces 5.56 pounds of PM_{10} . Because a 2-acre site would allow for up to 7 pounds per day, PM_{10} during grading activities would not be significant.

Similarly, in the case of $PM_{2.5}$, the screening tables show allowable values of 3 and 4 pounds per day for 1- and 2-acre sites, respectively, with receptors at 25 meters. At 4.85 pounds per day, site preparation also results in the highest level of $PM_{2.5}$ while disturbing an area that is half the size of that for projected for grading. The threshold for a 1.5 acre site is determined as follows.

 $PM_{2.5} = (3 lb/day + 4 lb/day) / 2 = 3.5 lb/day threshold for 1.5 acres.$

At 4.85 pounds per day for on-site PM_{2.5} during site preparation, this impact is potentially significant.

With respect to grading, this 4.85-pound per day value also exceeds the 4-pounds per day threshold for a 2-acre site. However as noted, grading is estimated to disturb 3 acres per day. The threshold for a 5-acre site is 8 pounds of $PM_{2.5}$ per day. The allowable threshold for 3 acres of disturbance is calculated below.

5 acres - 2 acres = 3 acres

8 lb/day - 4 lb/day = 4 lb/day

4 lb/day / 3 acres = 1.33 lb/day/acre

4 lb/day + 1.33 lb/day = 5.33 pounds per day

So a 3 acre site could produce as much as 5.33 pounds per day of $PM_{2.5}$ with receptors at 25 meters. At 4.85 pounds per day during grading, $PM_{2.5}$ would not be significant.

Mitigation

- During site preparations, the contractor shall water the construction site a minimum of three times per day, rather than twice per day as required under Rule 403.
- During site preparations, the contractor shall specify that all dozers use a minimum of Level 2 diesel particulate filters.

Residual Impact

In accordance with the CalEEMod model, raising the daily site watering requirement from two to three times daily increases the efficiency of dust suppression from 55 to 61 percent. Additionally, the use of Level 2 diesel particulate filters on the dozers would reduce the overall daily exhaust particulates. On-site PM_{10} during site preparation would be reduced from 6.74 to 4.83 pounds per day. This value is then less than the 5.5 pounds per day threshold reducing the impact to less than significant.

Similarly, on-site $PM_{2.5}$ would be reduced to from, 4.85 to 3.42 pounds per day during site preparation. This value is then less than the 3.5 pounds per day threshold reducing the impact to less than significant.

Long-Term Localized Impacts

Less than Significant impact (d): Long-term effects of the proposed project could also be significant if they exceed the CAAQS. As noted for construction, these criteria only apply to CO, NO_2 , PM_{10} , and $PM_{2.5}$. CO and NO_2 would be significant if the project were to raise existing levels above those values included in the CAAQS. Again, because the Basin is a non-attainment area for particulate matter, the operational thresholds for both PM_{10} and $PM_{2.5}$ are set at a measurable increase of 2.5 μ g/m³.

Unlike construction equipment that generates exhaust and dust in a set area, the primary source of emissions from project operations is due to the addition of vehicles on the roadway system. These emissions are then spread over a vast area and do not result in localized concentrations in proximity to the project site. As such, localized modeling for the project operations is not prepared for residential, limited commercial, or light industrial development that does not include a truck terminal.

Because CO is the criteria pollutant that is produced in greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, long-term adherence to AAQS is typically demonstrated through an analysis of localized CO concentrations. In the past, areas of vehicle congestion had the potential to create "pockets" of CO called "hot spots." However, the SCAB has now been designated as an Attainment area of both the State and federal CO standards, and no hot spots have been reported in any of the Orange County Receptor Areas in more than the last 5 years. CO is no longer a localized pollutant of concern near roadways and as such this analysis is no longer necessary.

e) Create objectionable odors affecting a substantial number of people?

Less Than Significant impact (e): Project construction would involve the use of heavy equipment creating exhaust pollutants from on-site earth movement and from equipment bringing concrete and

other building materials to the site. With regards to nuisance odors, any air quality impacts will be confined to the immediate vicinity of the equipment itself. By the time such emissions reach any sensitive receptor sites away from the project site, they will be diluted to well below any level of air quality concern. An occasional "whiff" of diesel exhaust from passing equipment and trucks accessing the site from public roadways may result. Such brief exhaust odors are an adverse but less-than-significant, air quality impact. Additionally, some odor would be produced from the application of asphalt, paints, and coatings. Any exposure to these common odors would be of short-term duration and, while potentially adverse, are less than significant.

Operational odors could be produced from on-site food preparation. These odors are common in the environment and would not constitute a significant impact.

Air Quality Mitigation Measures:

- AQ-1 Painting and surface coating shall be limited to an aggregate area of no more than 25,000 square feet per day during any phase of construction; or Paints and surface coatings shall be limited to a VOC content of no more than 30 milligrams per liter of VOC content.
- AQ-2 Any hearth, stove, or fireplace designed to burn wood shall be omitted or replaced with a unit designed to burn only natural gas.
- AQ-3 During site preparations, the contractor shall water the construction site a minimum of three times per day, rather than twice per day as required under Rule 403.
- AQ-4 During site preparations, the contractor shall specify that all dozers use a minimum of Level 2 diesel particulate filters.

BIOLOGICAL RESOURCES

Thresholds of Significance – Would the project:

a) 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 Game or U.S. Fish and Wildlife Service?

Less Than Significant impact (a): The proposed project site is located in the western portion of the Central section of the City (for biological resource analysis purposes), is currently designated in the MVGP as R/O -Residential/Office land uses, 10 and is surrounded by similar urban land use designations.

A burrowing owl habitat assessment was prepared for the project by a qualified biologist (Appendix B). 11 The findings of the habitat assessment determined that the project showed no evidence of burrowing owl, or any candidate, sensitive, species of concern, or special status species or suitable habitat for such species on site. In addition, compliance with the Biological Resources Mitigation Measures B-1 and B-2 contained in the MVGP FEIR would insure that the proposed project would have a less than significant impact on these resources.

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 California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)? Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less Than Significant Impact (b): The proposed project site is currently designated in the GP as R/O for Residential/Office land uses, and is surrounded by similar urban land use designations. In addition, the project site is not located on or near riparian habitat, nor on or near other sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW or USFWS. Furthermore, compliance with Biological Resources Mitigation Measures contained in the MVGP FEIR would insure that the proposed project would have a less than significant impact on these resources.

c) 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?

Less Than Significant impact (c): The project site is located within an urban built-up area and is not within an MSHCP linkage area. 12 The site is located in the western half of the central portion of the City where most of the biological resources have been eliminated through previous development. Consequently, there is little chance that the project would interfere with the movement of any

¹⁰ City of Moreno Valley. 2006. Moreno Valley General Plan. Figure 2-2 – Land Use Map.

¹¹ David Magney Environmental Consulting. January 2014. Burrowing Owl Pre-Construction Survey for Nova Homes, Inc., Isla Verde Site.

¹² Ibid. Figure 5.9-4. Reche Canyon/Badlands Area Plan. Chapter 5.9 – Biological Resources.

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.

d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant impact (d): Implementation of the proposed project is subject to all applicable federal, state, and local policies and regulations related to the protection of biological resources and tree preservation. Adherence to all relevant laws, ordinances, regulations, and mitigation measures contained in the MVGP FEIR, the MVGP, the City of Moreno Valley Municipal Code, and the MSHCP would insure the proposed project would have a less than significant impact on policies or ordinances protecting biological resources.

e) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less Than Significant impact (e): The proposed project would be developed consistent with the guidelines of the MVGP and the MSHCP, and would be consistent with the Long Term Habitat Conservation Plan for the Stephen's Kangaroo Rat. Therefore, impacts would be less than significant to the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

CULTURAL RESOURCES

Thresholds of Significances – Would the Project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant With Mitigation (a-d): PCR Services Corporation, from December 30, 2013, to January 14, 2014, conducted a cultural resources assessment that included:¹³

- Cultural Resources Records Search
- Sacred Lands File (SLF) Search and Native American Consultation
- Paleontological Resources Records Search
- Pedestrian Survey (detailed site inspection)

The results of the assessment are presented below:

Historical Resources

According to a 1967 historic aerial photo, two structures also identified on the 15-minute series Perris map from 1942 are still in place by this time. However, by at least 1978, the structure located at the corner of Perris Boulevard and Cactus Avenue had been removed, as depicted in a 1978 historic aerial. By 1978, the second structure located half way down the project site and close to Perris Boulevard is still present. This structure is shown as consisting of a driveway and, although the 1978 historic aerial is not very clear, it appears that other structures may have been built in association with it. Sometime between 1975 and 2005, this second structure was removed as depicted in the 2005 historic aerial. However, the pedestrian survey did not yield the identification of historic remnants associated with the two structures depicted on the 15-minute series Perris map from 1942 or any other built-environment resources. Therefore, the proposed project would likely not cause a substantial adverse change to the significance of a known historical resource as defined in §15064.5.

Archaeological Resources

The records search did not reveal the existence of recorded prehistoric or historic archaeological resources within or near the proposed project site and the pedestrian survey did not yield the identification of archaeological resources on the surface. Modern refuse can be found throughout the Project site. The pedestrian survey also revealed that the entire project site has been previously disturbed by plowing and demolition activities and it is likely that these activities have displaced archaeological resources that may have once existed within the project site. Based on the negative results of the records search, pedestrian survey, and previous ground-disturbing activities that may

¹³ PCR Services Corporation. January 2014. Cultural Resources Assessment for the Proposed Isla Verde Residential Development Project, City of Moreno Valley, County of Riverside California.

have displaced resources, it is not likely that the project would cause a substantial adverse change in the significance of a known archaeological resource pursuant to §15064.5. In addition, given the past disturbance within the project site, the potential to encounter subsurface archaeological resources during the construction of the project is considered low. However, in the unlikely event that prehistoric or historic archaeological resources (e.g., bottles, foundations, refuse dumps, Native American artifacts, etc.) are unearthed during ground-disturbing activities, it is recommended that the Applicant implement mitigation measure **CULT-1**, as described in the following section, to reduce impacts to archaeological resources to a less than significant level.

Paleontological Resources

Results of the literature review at the San Bernardino County Museum (SBCM) indicated that the project site is located on subsurface Pleistocene alluvial sediments that rest upon Holocene alluvial fan deposits. The Pleistocene fan deposits have been assigned high paleontological sensitivity. Fossils recovered from similar Pleistocene sediments throughout Riverside and San Bernardino Counties have yielded significant findings from the Ice Age, including mammoths, mastodons, ground sloths, sabre-toothed cats, dire wolves, horses, camels, short-faced bears, and bison. As a result of these findings, is appears that the potential to encounter paleontological resources at depth within the project site is high. Therefore, if construction excavations associated with the Project would encounter the fossiliferous Pleistocene alluvial sediments that are located at an unknown depth within the project site, it is recommended that the Applicant implement mitigation measure CULT-2, -3, -4, and -5, as described in the following section, to reduce impacts to buried and undiscovered paleontological resources to a less than significant level.

Human Remains

A SLF search from the California Native American Heritage Commission (NAHC) failed to indicate the presence of Native American cultural resources from the NAHC archives within the project site or surrounding vicinity. The NAHC results also noted, however, that "the absence of archaeological or cultural resources does not preclude their existence at the subsurface level" (Singleton 2013). No human remains were identified by PCR during the pedestrian survey and none have been recorded within the project site or half-mile radius. In addition, no Native American responses have been received to date. Based on these results, the overall sensitivity of the project site with respect to buried human remains appears to be low and; therefore, the project would not disturb any known human remains, including those interred outside of formal cemeteries. However, in the unlikely event that human remains are unearthed during ground-disturbing activities, it is recommended that the Applicant implement mitigation measure **CULT-6**, as described in the following section, to reduce impacts to human remains to a less than significant level.

Cultural Resources Mitigation Measures:

• Mitigation Measure CULT-1: In the event that prehistoric or historic archaeological resources (e.g., bottles, foundations, refuse dumps, Native American artifacts, etc.) are unearthed during ground-disturbing activities, the Applicant shall halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated by a qualified archaeologist. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by an archaeologist. The Applicant shall coordinate with the archaeologist and the City to

develop an appropriate treatment plan for the resources if they are determined to be potentially eligible for the California Register or potentially qualify as unique archaeological resources pursuant to CEQA. Treatment may include implementation of archaeological data recovery excavations to remove the resource or preservation in place or avoidance. The archaeologist shall prepare a report regarding the find and its treatment effort that shall be submitted by the Applicant to the City, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and the required mitigation measures. The report shall include a description of resources unearthed, if any, treatment of the resources, and evaluation of the resources with respect to the California Register. The Applicant, in consultation with the archaeologist and the City shall designate repositories meeting State standards in the event that archaeological material is recovered. Project material shall be curated in accordance with the State Historical Resources Commission's Guidelines for Curation of Archaeological Collections.

- Mitigation Measure CULT-2: If construction excavations would encounter the fossiliferous Pleistocene alluvial sediments that are located at an unknown depth within the Project site, a qualified shall be retained by the Applicant. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified Paleontologist shall supervise a paleontological monitor who shall be present during construction excavations into Pleistocene alluvial sediments. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring inspections shall be determined by the Paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.
- Mitigation Measure CULT-3: If a potential fossil is found, the Paleontological Monitor shall
 be allowed to temporarily divert or redirect grading and excavation activities in the area of
 the exposed fossil to facilitate evaluation and, if necessary, salvage. At the Paleontologist's
 discretion and to reduce any construction delay, the grading and excavation contractor shall
 assist in removing rock samples for initial processing.
- Mitigation Measure CULT-4: Any fossils encountered and recovered shall be prepared to
 the point of identification and catalogued before they are donated to their final repository.
 Any fossils collected shall be donated to a public, non-profit institution with a research
 interest in the materials, such as the San Bernardino County Museum or the Western
 Science Center. Accompanying notes, maps, and photographs shall also be filed at the
 repository.
- Mitigation Measure CULT-5: Following the completion of the above measures, the Paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Project Applicant to the lead agency, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.

Mitigation Measure CULT-6: If human remains are encountered unexpectedly during implementation of the proposed project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the land owner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the land owner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment. Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

GEOLOGY AND SOILS

Thresholds of Significance – Would the project:

- a) 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.
 - ii) Strong seismic ground shaking?
 - iii) Seismic-related ground failure, including liquefaction?
 - iv) Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- 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?
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Less Than Significant Impact (a-e): The San Jacinto Fault Zone, located in the eastern and northeastern portion of the City, has the potential to cause moderate to large earthquakes that would cause intense ground shaking. However, based on review of available geologic information, it can be seen that no major earthquake fault crosses through or extends towards the site. 14 Although the potential for surface rupture resulting from nearby fault movement is not known for certainty, according to the Preliminary Report of Soils and Foundation Evaluations report conducted on the proposed property (Appendix D), it is considered "low" due to the distance of approximately 8.29 km to the nearest fault. 15

The project site and its surroundings have generally flat topography and are not located in an area prone to landslides. In addition, based on review of the available online State of California Seismic Hazard maps for the site area, it is understood that the project site is not situated within a Seismic Hazard Zone where the site could be susceptible to soil liquefaction, land-sliding, and lateral spreading in the event of a strong motion earthquake. 16

The project site is located in a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the lifetime of the project. This risk is not considered substantially different than that of other similar properties in the Southern California area. As a mandatory condition of project approval, the project would be required to construct proposed structures in accordance with the California Building Standards Code (CBSC), also known

Soils Southwest, Inc. Preliminary Report of Soils and Foundation Evaluations Proposed Residential Development SWC Perris Boulevard & Cactus Avenue, City of Moreno Valley, Riverside County, California. September 2013.

¹⁵ Ibid. 8

¹⁶ Ibid. 9

as California Code of Regulations (CCR), Title 24 and the City Building Code. The CBSC and City Building Code are designed to preclude significant adverse effects associated with strong seismic ground shaking. With mandatory compliance with standard design and construction measures, potential adverse impacts would be reduced to less than significant and the project would not expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking.

Erosion and loss of topsoil could occur as a result of the project. State and Federal requirements call for the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) establishing erosion and sediment controls for construction activities. The project must also comply with the National Pollutant Discharge Elimination System (NPDES) regulations.

Sewer service is available to the proposed project; no septic tanks or alternative waste water disposal systems are part of the proposed project design.

Development of the proposed project in compliance with relevant MVGP objectives, goals, and policies, ¹⁷ compliance with Mitigation Measures GS1 and GS2 contained in MVGP FEIR, and compliance with Moreno Valley Municipal Code Title 8 – Buildings and Construction ¹⁸ – would insure potential impacts to geology and soils as a result of the development of the proposed project would be less than significant.

¹⁷ City of Moreno Valley. 2006. Moreno Valley General Plan. Chapter 9 – Goals and Objectives. http://www.moreno-valley.ca.us/city hall/general plan.shtml

¹⁸ City of Moreno Valley. 2006. Moreno Valley General Plan Final Program EIR. Chapter 5.6 Geology and Soils.

GREENHOUSE GAS EMISSIONS

Thresholds of Significance – Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant impact (a): To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, the SCAQMD has convened a GHG CEQA Significance Threshold Working Group. The SCAQMD is in the process of establishing a threshold for GHG emissions to determine a project's regional contribution toward global climate change impacts for California. On December 5, 2008, SCAQMD adopted a threshold of 3,000 metric tons (MTons) of CO2 per year for residential and commercial projects for which it is the lead agency under CEQA.

Construction

The CalEEMod default estimates that construction would begin in January 2015 and take approximately 380 working days to complete. For the purposes of this analysis, construction is estimated to follow the CalEEMod default construction schedule. Because the heaviest, and most polluting equipment is used in the early stages of construction (i.e., site preparation and grading), the use of the January start date ensures that these operations are captured in a single year for the greenhouse gas calculations thereby presenting a worst-case scenario.

Construction activities would consume fuel and result in the generation of greenhouse gases. Construction CO_2e emissions are as projected using the CalEEMod computer model and included in Table 3. Note that all emissions are within the threshold value and the impact is less than significant. Also note that if construction were to be completed in a single calendar year, the total emissions (i.e., 610.55 Mtons of CO_2e), would remain within the 3,000 Mtons threshold.

CONSTRUCTION-RE	Table 3 CONSTRUCTION-RELATED GREENHOUSE GAS EMISSION BY YEAR (Mtons/year)						
Year	CO ₂	CH ₄	N ₂ O	Total CO₂e ¹			
2015	458.94	0.10	0.00	461.08			
2016	148.82	0.03	0.00	149.47			
Threshold				3,000			
Exceeds Threshold?				No			

¹ Because different gases have different conversion factors, totals may not

equal.

In the case of site operations, the majority of greenhouse gas emissions, and specifically CO_2 , is due to vehicle travel and energy consumption. As shown in Table 4, the CalEEMod model projects that combined, mobile, area source, energy, waste, and water conveyance would generate 2,477.80 Mtons of CO_2 e on an annual basis. (The table does not include the mitigation for the replacement of

Site Operations

wood burning hearths with natural gas units that would also reduce GHG emissions.) This value is under the suggested threshold of 3,000 Mtons per year and the impact is less than significant.

Table 4
YEARLY OPERATIONAL GREENHOUSE GAS EMISSIONS
(Mtons/year)

	(interior year)					
Source	CO ₂	CH ₄	N ₂ O	Total CO₂e ¹		
Mobile Sources	1,787.04	0.06	0.00	1,788.33		
Electricity	283.50	0.01	0.00	284.61		
Natural Gas	232.45	0.00	0.00	233.86		
Hearth	40.03	0.04	0.00	41.18		
Landscape Maintenance	2.17	0.00	0.00	2.22		
Water Use	50.83	0.28	0.01	58.78		
Waste Disposal	30.71	1.81	0.00	68.82		
Operational Total	111.14	0.07	0.00	2,477.80		
Threshold				3,000		
Exceeds Threshold?				No		

Notes:

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact (b): An impact can also be potentially significant if the project does not comply with the applicable plans necessary for the reduction of greenhouse gases. Like air quality impacts, projects that generate de minimus levels (i.e., less than 3,000 Mtons of CO_2e per year) and don't result in a significant impact or can be mitigated to less than significant would be deemed to be in compliance of the local policies with respect to GHG. Even so, the project is subject to the requirements of State Assembly Bill 32 and any requirements set forth therein. Like adherence to SCAQMD requirements (e.g., Rule 403 for dust control), adherence to SB32, and any measures outlined therein, would be requisite and as such, are not mitigation under CEQA.

Construction

As demonstrated above, the peak year construction is estimated to generate about 461.08 Mtons of CO_2e with total construction estimated at 601.55 Mtons. These values are well below the 3,000-Mton threshold value and the cumulative impact to climate change is less than significant. As such, construction would not conflict with existing plans and policies.

¹ Because different gases have different conversion factors, totals may not equal.

Site Operations

As shown above, the operation of the project is anticipated to result in about 2,477.80 Mtons of CO_2e on an annual basis and is less than the 3,000-Mton per year threshold suggested by the SCAQMD. As such, the impact is less than significant.

HAZARDS AND HAZARDOUS MATERIALS

Thresholds of Significance – Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 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?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 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?
- 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 for people residing or working in the project area?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact (a-h): The proposed project is a planned, gated, residential community designated for Residential/Office use that is in compliance with the goals, policies, and objectives contained in the MVGP; the project does not incorporate design features that would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. In addition, the MVGP FEIR did not identify significant impacts to Hazard and Hazardous materials.

Public and private schools are located immediately west and east of the proposed project; however, the project is not designed to nor would be permitted to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste.

The proposed project is not included on a list of hazardous sites compiled pursuant to Government Code Section 65962.5.¹⁹

The proposed project is located approximately 1.67 miles northeast of the March Air Reserve Base. However, the proposed project is not located within an airport land use plan, nor in the vicinity of a private airstrip. In addition, the project site is not in the immediate vicinity of March Air Reserve Base Aircraft Hazard Zones. ²⁰ Further, according to the March Air Reserve Base/Inland Port Airport

²⁰ City of Moreno Valley. 2006. General Plan Final Program EIR. Chapter 5.5–Hazards. Figure 5.5-3.

Soils Southwest, Inc. August 2013. Phase I Environmental Site Assessment (ESA) Proposed Residential Development Cactus Avenue & Perris Boulevard, Moreno Valley, California.

Land Use Compatibility Plan, the proposed project site is located in Zone E, which has a Safety and Airspace Protection Factor Risk Level of Low, and a Noise Impact Level of Moderate to Low. 21

The proposed project would be developed in accordance with existing fire code, ordinances, and regulations, and would not impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

The proposed project is not located in or near an area where wildland fires could occur. 22

The General Plan Safety Element objectives, policies and implementation programs including implementation and/or compliance with the Riverside County Area Plan address the proper use, storage, collection and disposal of hazardous materials. Continued implementation of these policies and implementation programs will avoid any significant hazardous materials impact as a result of the proposed project.²³

²¹ Riverside County Airport Land Use Commission. June 2013. March Air Reserve Base / Inland Port Airport Land Use Compatibility Plan. http://www.rcaluc.org/plan new.asp.

²² Ibid. Chapter 5.5–Hazards. Figure 5.5-2.

²³ Ibid. Chapter 5.5–Hazards

HYDROLOGY AND WATER QUALITY

Thresholds of Significance – Would the project:

a) Violate any water quality standards or waste discharge requirements?

Less Than Significant Impact (a): Water runoff from developed areas of the Project site may contain urban pollutants such as petroleum products, fertilizers, pesticides, soils, etc., which can degrade water quality if discharged from the site. The proposed project's Preliminary Water Quality Management Plan (WQMP) is prepared in accordance with City requirements to identify pollutants of concern and identify means to reduce their discharge from the site (i.e., Best Management Practices, BMPs). Required adherence to the project-specific WQMP will reduce the amount of pollutants in stormwater runoff, as well as non-storm water discharges. Furthermore, the project will be required to comply with the Santa Ana River Basin Water Quality Control Program and the City of Moreno Valley's National Pollutant Pollution Prevention Program (SWPPP) to control sediment/siltation runoff) to minimize the discharge of pollutants in storm water during short-term construction and long-term operational activities. Mandatory compliance with the project's WQMP, in addition to compliance with NPDES Permit requirements, would ensure that all potential pollutants of concern are minimized or otherwise appropriately treated prior to being discharged into receiving waters. Therefore, implementation of the proposed project would not violate any water quality standards or waste discharge requirements, and impacts would be less than significant.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Less Than Significant Impact (b): As depicted on Figure 5.7-2, Groundwater Basins, in the City of Moreno Valley General Plan FEIR, the project site is located within the Perris North Groundwater Basin. There are currently few domestic uses for groundwater within the City due to salinity/water quality issues; the City primarily relies on imported water from the Eastern Municipal Water District for its domestic water supply. The project does not propose the installation of any water wells that would directly extract groundwater; however, the change in pervious surfaces to impervious surfaces that would occur with development of the site could reduce the amount of water percolating down into the underground aquifer that underlies the project site and a majority of the City. However, and as noted in the MVGP FEIR (Page 5.7-12), "the impact of an incremental reduction in groundwater would not be significant as domestic water supplies are not reliant on groundwater as a primary source." Therefore, development of the proposed project would not significantly affect groundwater supplies or groundwater recharge capacity.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Less Than Significant (c-d): The project would involve mass grading of the site, which would alter the existing drainage pattern. Any alteration in drainage pattern has the potential to result in erosion and siltation both on-site during construction and off-site upon build-out of the project. Construction-related grading activities would ultimately expose surficial soils for a period of time with the potential for on-site erosion during a rainstorm event. Also, in the long term, development of the property would introduce impervious surfaces and landscaping, thereby increasing the rate and volume of stormwater runoff and potentially resulting in off-site erosion downstream. However, compliance with the project's WQMP, in addition to compliance with NPDES Permit requirements and the grading permit process, would insure that all potential impacts to related to the alteration of existing drainage patterns such that substantial erosion or flooding would occur on- or off-site would be less than significant.

e) 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?

Less Than Significant (e): The proposed project includes the construction of an on-site detention basin designed to reduce the rate and volume of runoff discharged from the site. In addition, existing off-site storm water drainage facilities that receive storm water runoff from the project site have adequate capacity to convey storm water runoff discharged from the site. 24 Furthermore, the proposed project would be subject to the City's National Pollutant Discharge Elimination System Best Management Practices relating to construction to control runoff contamination from affecting water resources (MVGP Policy 5.4.2).

f) Otherwise substantially degrade water quality?

Less Than Significant (f): The proposed project as designed and with the prevention measures described above would not otherwise substantially degrade water quality.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Less Than Significant (g-h): According to Figure 5.5-2, Floodplains and High Fire Hazards, of the MVGP FEIR, and MVGP Figure 6-4, Flood Hazards, the proposed project site is not located within or adjacent to a 100-year floodplain. Consequently, the proposed project would not place structures within a 100-year flood hazard area that could impede or redirect flood flows. Therefore, a significant flood-related hazard would not occur with implementation of the proposed project.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j) Inundation by seiche, tsunami, or mudflow?

Less Than Significant (i-j): The nearest dam to the project site, Lake Perris, is located approximately 3.69 miles southeast of the subject property.

In addition, according to Figure 5.5-2, Floodplains and High Fire Hazards, of the Moreno Valley General Plan FEIR, and City of Moreno Valley General Plan Figure 6-4, Flood Hazards, the project site

²⁴ City of Moreno Valley. 2006. Moreno Valley General Plan Final Program EIR. Chapter 5.6 Geology and Soils.

and surrounding areas do not appear subject to dam inundation hazards. Furthermore, there are no levees in the project area.

Also, due to the distance of the proposed project from large water bodies, inundation by seiche, tsunami, or mudflow is unlikely and poses a less than significant impact to the proposed project.

LAND USE AND PLANNING

Thresholds of Significance – Would the project:

a) Physically divide an established community?

Less Than Significant Impact (a): The proposed residential project is designated Residential/Office in the MVGP; therefore, this project is consistent with long-range land use planning contained in the MVGP. Chapter 5.1 – Land Use of the MVGP FEIR states:

"None of the General Plan alternatives propose any land uses or circulation element roadways that would divide an established community or be incompatible with existing or anticipated land uses. No significant impact associated with this issue will occur. The regulations in the City's Municipal Code, including the Zoning Ordinance, will continue to be enforced on all new and existing development, thereby reducing potential land use and operational incompatibilities to a level less than significant."25

The proposed project has been designed to be consistent with the pattern of development of the surrounding area providing adequate access, circulation and connectivity consistent with the MVGP. Therefore, the project impacts related to the community are considered less than significant.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact (b): The proposed project seeks a Conditional Use Permit for a land-use change from Residential/Office (R/O) to Planned Unit Development (PUD). As part of its review of the proposed project's applications, the City of Moreno Valley will ensure consistency with applicable policies of the MVGP and the MVGP FEIR, and will insure conformance with the City's Municipal Code requirements.²⁶ As such, the project would not conflict with applicable local land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant.

In addition, the proposed project would be consistent with PUD development requirements: MVGP Chapter 9 – Goals and Objectives states:

"Planned Unit Developments (PUD) shall be encouraged for residential construction in order to provide housing that is varied by type, design, form of ownership, and size. PUD's shall also provide opportunities to cluster units to protect significant environmental features and/or provide unique recreational facilities."²⁷

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

²⁵ City of Moreno Valley. 2006. General Plan Final Program EIR. Chapter 5.1 Land Use.

²⁶ City of Moreno Valley Municipal Code. Title x Planning and Zoning. Chapter 9.03 Residential Districts. 9.03.060 Planned Unit Developments.

²⁷ City of Moreno Valley. 2006. General Plan Final Program EIR. Chapter 9 – Goals and Objectives.

Less Than Significant impact (c): The proposed project would be developed consistent with the guidelines of the MVGP and the MSHCP, and would be consistent with the Long Term Habitat Conservation Plan for the Stephen's Kangaroo Rat. Therefore, impacts would be less than significant to the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

MINERAL RESOURCES

Thresholds of Significance – Would the project:

- 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?
- 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?

No Impact (a-b): The proposed project site is not located within an area known to be underlain by regionally- or locally-important mineral resources, or within an area that has the potential to be underlain by regionally- or locally-important mineral resources, as indicated in the MVGP and the MVGP FEIR. Accordingly, implementation of the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State of California. In addition, the MVGP does not identify any locally-important mineral resource recovery sites on-site or proximate to the project site.²⁸

 $^{^{28}}$ City of Moreno Valley. 2006. General Plan Final Program EIR. Chapter 5.14 – Mineral Resources.

NOISE

Thresholds of Significance – Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant with Mitigation (a): The City of Moreno Valley sets an exterior standard of no more than 65 dBA CNEL for transportation-related noise sources. In addition, noise attenuation is required, where necessary, to achieve acceptable interior noise levels. An acceptable interior noise is 45 dBA CNEL for residences and schools and 50 dBA CNEL for libraries, hospitals, places of worship, and office uses. These interior standards are to be implemented when the exterior noise level exceeds 60 dBA CNEL. Additionally, current practice is to require 6-foot masonry walls between single-family lots and major roadways. The Applicant specifies a 6-foot perimeter wall and its attenuation is considered in the project design (Noise Impacts Analyses for the Isla Verde Residential Development to be Located in the City of Moreno Valley – Appendix F).²⁹

An impact could be significant if the project would site a sensitive land use in a location where noise levels would exceed the appropriate standards. The existing City of Moreno Valley Noise Element sets a goal level of up to 65 dBA CNEL for sensitive land uses. Whereas the 65 dBA CNEL would also be applied to exterior habitable areas, a "conditionally acceptable" goal of 75 dBA CNEL would be applied in non-habitable areas so long as interior noise levels do not exceed 45 dBA CNEL. Levels of 75 to 80 dBA CNEL are "normally unacceptable."

Road Noise

The project site fronts along Perris Boulevard between Cactus Avenue and Delphinium Avenue. The field study performed on January 21, 2014 revealed that the dominant source of noise was from traffic traveling along Perris and Cactus.

Modeling was prepared for LOS C traffic as noted in Table 4 and projected at the nearest structures to be placed along that roadway and the results are included in Table 5. The table includes the results both without and with the proposed 6-foot wall. While the wall provides shielding to ground level receptors, it does not shield the second story. While the impact to those homes that back to Delphinium would be less than significant, impacts to those homes to be placed along Perris and Cactus could be significant both on the first and second story levels.

	Table 5 LOS C TRAFFIC-GENERATED NOISE LEVELS ¹						
Road	Speed	ADT Volume	CNEL (dBA @ 50 Feet)	Distance to Near Home	CNEL (dBA @ 50 Feet)	CNEL With 6- Foot Wall (dBA)	
Perris Boulevard	40	45,000	74.2	70	72.7	71.5	
Cactus Avenue	45	30,000	73.6	78	71.7	68.3	
Delphinium Avenue ²	25	10,400	64.6	63	63.6	57.9	

²⁹ Synectecology. January 2014. Noise Impacts Analyses for the Isla Verde Residential Development to be Located in the City of Moreno Valley. (Appendix F)

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Table 5 LOS C TRAFFIC-GENERATED NOISE LEVELS¹

Mitigation Measures

Interior noise levels could be reduced through additional structural improvements beyond Title 24 requirements. (These improvements would also save energy and reduce greenhouse gas emissions through increased efficiency.) Alternatively, sound walls could be used to reduce exterior noise at the structures. However, sound walls would not be effective for the second-story spaces and these rooms can only be mitigated through structural improvements. Furthermore, the Applicant proposes a central park and pool area that would serve as a habitable exterior area for the development. For these reasons, sound walls are not specified here and structural improvements beyond Title 24 requirements are recommended to ensure that interior noise levels do not exceed 45 dBA CNEL.

- N-1: At a minimum the structures that back along Perris Boulevard and Cactus Avenue shall be constructed with batten insulation in the exterior walls. Alternatively, these structures could be of masonry construction negating this requirement.
- N-2: The units shall be constructed such that the windows along Perris Boulevard (east facing) and Cactus Avenue (north facing) do not exceed 30 percent of the wall area.
- N-3: For these units, any exterior balconies or dedicated patio areas shall extend no more than 6 feet from the structure.
- N-4: All exterior fittings that enter these structures (e.g., electrical conduits, HVAC ducts) are to be sealed with caulk such that the fittings are rendered as air-tight. Any metal duct-work that is exposed to the exterior environment shall be enclosed and insulated to avoid noise transference through the ducting.
- N-5: The Applicant shall provide these structures with forced air ventilation designed and installed in accordance with the California Uniform Building Code.
- N-6: The Applicant shall specify a minimum STC rating of 32 and 33 for all first and second story, respectively, window and/or door assemblies, that have a view toward Perris Boulevard (east facing) These windows and/or doors are to be well fitting with vinyl (or equivalent) gaskets that form an air tight fitting.
- N-7: The Applicant shall specify a minimum STC rating of 28 and 32 for all first and second story, respectively, window and/or door assemblies that have a view toward Cactus Avenue (north facing) These windows and/or doors are to be well fitting with vinyl (or equivalent) gaskets that form an air tight fitting.
- N-8: The Applicant shall abide by any other measures set forth by the City of Moreno Valley Planning Department for noise mitigation.

The Noise Guidebook (HUD, 1985) presents Sound Transmission Class (STC) ratings for various types of construction materials and techniques. The Sound Transmission Class rating is the official rating endorsed by the American Society of Testing and Measurement and can be used as a guide in

 $^{^{1}}$ LOS C volumes based on City of Moreno Valley General Plan Circulation Element except Delphinium that is based on the County of Riverside General Plan Circulation Element designation. Noise levels are as modeled from the centerline of travel.

² Roadway was modeled at 30 mph, the minimum allowable speed, minus 1 dBA to represent a 25 mph speed.

determining what type of construction is needed to reduce noise. Conversely, these same principles can be used to determine interior noise for a given type of construction.

An STC is a measure of a material's ability to reduce sound and is equal to the number of decibels a sound is reduced as it passes through the material. Thus, a high STC rating indicates a good insulting material. For example, if the external noise is 75 dBA and the desired interior level is 45 dBA, a partition of 30 STC is required. Because of minor differences in ratings, as well as construction flaws, gaps, seams, openings, ducting, etc., field studies indicate that laboratory-derived STC ratings may be overstated by as much as 5 dBA. (HUD puts this discrepancy at about 2-3 dBA.) As such, using 75 dBA, the mitigation would need to achieve a composite laboratory STC rating of approximately 35 to ensure that interior levels were adequately mitigated to less than 45 dBA.

According to HUD, a common stud wall has an STC of approximately 35 dBA. While a typical 1/4-inch thick pane of glass may have an STC rating of about 20 dBA, a 3/16-inch piece increases this rating to about 25 dBA, and a 1/2-inch thick piece would have an STC of about 35 dBA. There comes a point of diminishing returns, and beyond 1/2 inch additional thickness produces minimal gains. (A 3/4-inch piece of glass has an STC of about 37 dBA.) The STC for a typical wood, double hung closed window is listed at 22.

Noise within the interior of the structure comes through the walls, windows, doors, and duct work. HUD provides a nomograph that can be used to determine the composite STC for walls that include windows and doors. Assuming a common stud wall has an STC of 35, the windows/doors have an STC of 22, and the windows/doors encompasses 30 percent of the wall, the composite STC is 27. The requirement for batten insulation would increase the STC of the walls by at least 4 dBA to no less than STC 39. Using the required window assemblies, but retaining the window area at 30 percent, interior noise levels would be reduced to less than 45 dBA CNEL and the impact is reduced to less than significant.

b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?

Less than Significant Impact (b): The proposed project would involve the construction and occupancy of residential structures. Caltrans notes that ground borne vibration is typically associated with blasting operations, the use of pile drivers, and large-scale demolition activities, none of which are anticipated for the construction or operation of the project. As such, no excessive ground borne vibrations would be created by the proposed project on the proximate residents and any potential impacts are less than significant.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than Significant Impact (c): — Long-term impacts could be significant if the project creates activity or generates a volume of traffic that would substantially raise the ambient noise levels. As discussed above, a substantial increase is defined as 3 dBA CNEL.

To raise the traffic levels along the existing routes would require that the project double the volume of the existing traffic. In accordance with the air quality analysis, the project would add 1,300 ADT on a peak day. These trips would enter and exit the site on Cactus Avenue, but could also exit the site on Delphinium Avenue. Assuming that half of the trips are arrivals and half are departures 650 ADT would depart the site.

This traffic would be split up amongst the two exits. However, if it is assumed that the entirety of this departing traffic (i.e., 650 ADT) were to use Delphinium, and all to proceed the same direction, the 650 ADT would generate a CNEL of 51.6 dBA as measured at a distance of 50 feet from the centerline of travel.

The overall CNEL is louder than the noise generated by noon hour traffic. The field study noted a noon hour Leq of 53.5 dBA along Delphinium. Even if the noon hour traffic were as loud as the CNEL, the addition of 51.6 dBA to 53.5 dBA results in a composite of 55.7 dBA CNEL for an increase of 2.2 dBA. The increases along Perris and Cactus would be even less as the project represents a much small percentage of their ADT volumes. This demonstrates that the volume traffic that could be produced by the project is too small to double the existing levels and the impact is less than significant.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than Significant Impact (d): Two types of noise impacts could occur during the construction phase. First, the transport of workers and equipment to the construction site would incrementally increase noise levels along site access roadways. However, any increase in noise would be less than 1 dBA when averaged over a 24-hour period, and would therefore have a less than significant impact on noise receptors along the truck routes.

The second type of impact is related to noise generated by on-site construction operations and existing local residents and the school located adjacent to the site would be subject to elevated noise levels due to the operation of on-site construction equipment. Construction activities are carried out in discrete steps, each of which has its own mix of equipment, and consequently its own noise characteristics. These various sequential phases would change the character of the noise levels surrounding the construction site as work progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow noise ranges to be categorized by work phase. Table 6 lists typical construction equipment noise levels recommended for noise impact assessment at a distance of 50 feet.

NOISE LEVELS GI	Table 6 NOISE LEVELS GENERATED BY TYPICAL CONSTRUCTION EQUIPMENT				
Type of Equipment	Average Sound Levels Measured (dBA at 50 feet)				
Pile Drivers	101				
Rock Drills	98				
Jack Hammers	88				
Pneumatic Tools	85				
Pumps	76				
Dozers	80				
Front-End Loaders	79				
Hydraulic Backhoe	85				

Table 6 NOISE LEVELS GENERATED BY TYPICAL CONSTRUCTION EQUIPMENT						
Hydraulic Excavators	82					
Graders	85					
Air Compressors	81					
Trucks	91					

Source: Noise Control for Buildings and Manufacturing Plants, BBN 1971

Noise ranges have been found to be similar during all phases of construction, although the actual construction of the structures tends to be somewhat less than that from grading. The grading and site preparation phase tends to create the highest noise levels, because the noisiest construction equipment is found in the earthmoving equipment category. This category includes excavating machinery (backfillers, bulldozers, draglines, front loaders, etc.) and earthmoving and compacting equipment (compactors, scrapers, graders, etc.) Typical operating cycles may involve 1 or 2 minutes of full power operation followed by 3 to 4 minutes at lower power settings. Noise levels at 50 feet from earthmoving equipment range from 73 to 96 dBA while Leq noise levels range up to about 89 dBA. The later construction of structures is somewhat reduced from this value and the physical presence of the structure may break up line-of-sight noise propagation.

Composite construction noise is best characterized by Bolt, Beranek, and Newman (USEPA December 31, 1971). In their study construction noise for earthwork related to residential development is presented as 88 dBA Leq when measured at a distance of 50 feet from the construction effort. This value takes into account both the number of pieces and spacing of the heavy equipment used in the construction effort. In later phases during building construction, noise levels are typically reduced from this value and the physical structures further break up line of sight noise. However, as a worst-case scenario, the 88-dBA-value is used to assess the impact of construction.

The operation of such equipment would result in the generation of both steady and episodic noise significantly above the ambient levels currently experienced near the project site. The noise produced from construction decreases at a rate of approximately 6 dBA per doubling of distance. Therefore, at 100 feet the noise levels would be about 6 dBA less or 82 dBA Leq. Similarly, at 200 feet the noise levels would be 12 dBA less or 76 dBA Leq. The most proximate existing residential uses are adjacent to the site and noise levels could be on the order of 90 dBA Leq, assuming the receptor were to have a clear line of sight to the equipment. (Note, as construction is not performed at night, this does not represent a CNEL value.)

However, during the vast majority of the construction period, noise levels at the proximate residents would considerably lower due to lower power settings and sound attenuation provided by longer distances. In accordance with the Noise Element of the General Plant, this construction noise is typically considered acceptable between the hours of 7:00 A.M. and 8:00 P.M. Adherence to these hours is specified in the City Municipal Code and as such, does not constitute mitigation under CEQA. The Applicant would adhere to the Code and shall include the following measures as project commitments:

- All construction equipment engines shall be properly tuned and muffled according to manufacturers' specifications.
- Staging and construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling, etc.) shall be

- conducted as far as possible from the residential land uses located to the northwest and southeast corners of the site, and along the western site border.
- To avoid truck noise through the local neighborhood, all truck and vendor access shall be from Cactus Avenue and Perris Boulevard. No truck access shall be allowed along Delphinium Avenue.
- Two weeks prior to the commencement of construction at the project site, notification shall be
 provided to the adjacent residential uses disclosing the construction schedule, including the various
 types of activities and equipment that would be occurring throughout the duration of the
 construction period. This notification shall also provide a contact name and phone number for
 residents to call for construction noise-related complaints. All reasonable concerns shall be rectified
 within 24 hours of receipt.
 - 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 expose people residing or working in the project area to excessive noise levels?

Less than Significant Impact (e): The Perris Valley Airport, located about 9 miles to the south, is the nearest public use facility. The project site is not in the flight path and well beyond the airport's 60 dBA CNEL noise contour. No significant impacts would result from the implementation of the proposed project.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Less than Significant Impact (f): The March Air Reserve Base is located about 1.7 miles to the southwest of the project site. The project is located outside of the airport's 60 dBA CNEL noise contour and no significant impacts would result from the implementation of the proposed project. Furthermore, while Base operations were observable from the project site, these aircraft were not audible.

POPULATION AND HOUSING

Thresholds of Significance – Would the project:

- a) Induce substantial 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)?
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact (a-c): The proposed residential development project represents a land use that was analyzed in the MVGP FEIR. The analysis concluded that City could accommodate the anticipated population growth described in the MVGP without significant impact. In addition, the MVGP FEIR also concludes that the potential impacts of the displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, or the displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere were not likely to be significant. Finally, no significant direct, indirect, or cumulative impact to population and housing was identified in the MVGP FEIR.³⁰

 $^{^{30}}$ City of Moreno Valley. 2006. General Plan Final Program EIR. Chapter 5.12 - Population and Housing.

PUBLIC SERVICES

Thresholds of Significance – Would the project:

- a) 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:
 - Fire protection?
 - Police protection?
 - Schools?
 - Parks?
 - Other public facilities?

Less Than Significant Impact (a): The proposed project is required to comply with mitigation measures throughout the MGVP FEIR, 31 and provisions of the City of Moreno Valley's Development Impact Fee Ordinance,³² which requires a fee payment that the City applies to the funding of public facilities, including fire and police protection facilities, schools, parks, libraries and other public facilities. Mandatory compliance with the Development Impact Fee Ordinance would be required prior to the issuance of building permits. Based on the foregoing, the proposed project would not result in significant impacts to public services that were not contemplated in the MVGP FEIR.

³¹ Ibid. Chapter 2.0 – Executive Summary.

³² City of Moreno Valley Municipal Code. Title 3 Revenue and Finance. Chapter 3.38 Residential Development Impact Fees.

RECREATION

Thresholds of Significance – Would the project:

- a) 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?
- b) 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?

Less Than Significant Impact (a-b): The proposed project is required to comply with mitigation measures throughout the MGVP FEIR,³³ and provisions of the City of Moreno Valley's Development Impact Fee Ordinance,³⁴ which requires a fee payment that the City applies to the funding of public facilities including parks. Mandatory compliance with the Development Impact Fee Ordinance would be required prior to the issuance of building permits. Based on the foregoing, the proposed project would not result in significant impacts to Recreation that were not contemplated in the MVGP FEIR.

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MVGP FEIR. Chapter 2.0 – Executive Summary.

City of Moreno Valley Municipal Code. Title 3 Revenue and Finance. Chapter 3.38 Residential Development Impact Fees.

TRANSPORTATION/TRAFFIC

Thresholds of Significance – Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Less Than Significant Impact (a-b): As determined by the City Traffic Engineer, the proposed project would not generate additional vehicular trips either directly, indirectly, or cumulatively other than what has already been considered under the MVGP, and would not require a Traffic Study.³⁵ Also, since this proposed project would not generate a significant number of additional vehicle trips, it is not anticipated that the LOS of any nearby intersection will be affected. Therefore, no significant change to the levels of service of nearby intersections and only an incremental increase of traffic load or capacity are expected with implementation of this project and the project's individual or cumulative impact to all applicable plans, ordinances or policies pertaining to the performance of the circulation system will be less than significant. In addition, as a condition of development, the proposed project would be required to pay the appropriate amount of Traffic Uniform Mitigation Impact Fees (TUMF)³⁶ for potential improvements the adjacent circulation system: Cactus Avenue, Perris Boulevard, and Delphinium Avenue. In addition, the proposed project would be conditioned to repair, replace or install any damaged, substandard or missing improvements on Cactus Avenue, Perris Boulevard, and Delphinium Avenue. Furthermore, pursuant to Section 15130(a)(3) of the CEQA Guidelines, contributions to the Transportation Uniform Mitigation Fee Program (TUMF) and the Development Impact Fee Program (DIF) will serve as the projects fair share contribution to mitigate cumulative impacts to less than significant.³⁷

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Less Than Significant Impact (c): The proposed project is consistent with the MVGP and relevant airport compatibility plans (see Hazards and Hazardous Materials). Consistency with the MVGP and development of the project in compliance with the MVMC would insure that the proposed project would have a less than significant impact on air traffic patterns.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Michael Lloyd, Senior Engineer, P.E. City of Moreno Valley Transportation Engineering Division. Email Communication. September 19, 2013, 9:44 AM.

³⁶ City of Moreno Valley Municipal Code. Title 3 Revenue and Finance. Chapter 3.38.030 Arterial Streets Residential Development Impact Fees.

 $^{^{}m 37}$ MVGP FEIR. Chapter 2.0 Executive Summary. Table 2-2 Environmental Impacts and Mitigation Measures.

Less Than Significant Impact (d): The proposed project as designed would be compatible with adjacent existing uses and street configurations. Also, it has been designed so as not to cause any incompatible use or additional hazards to the surrounding area or general public. As a condition of approval, the interior streets, all proposed driveways, sidewalks, walls/fences, and landscaping will be required comply with the applicable development standards of the MVMC. Therefore, this project will have a less than significant impact on increasing hazards through design or incompatible uses directly, indirectly or cumulatively.

e) Result in inadequate emergency access?

Less Than Significant (e): The proposed project will comply with adopted regulations contained in the MVMC. As a result, as a condition of development, the project would provide adequate emergency access.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less Than Significant Impact (f): The proposed project would implement the MVGP Circulation Element policies and programs which would facilitate pedestrian, bicycle, bus and rail improvements. Therefore, the project would not result in a conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. No significant impacts relative to alternative transportation is anticipated.

UTILITIES AND SERVICES SYSTEMS ISSUES:

Thresholds of Significance – Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- e) 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?
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

Less Than Significant Impact (a-g): Wastewater service is provided to the project site by Eastern Municipal Water District (EMWD). EMWD is required to operate all of its treatment facilities in accordance with the waste treatment and discharge standards and requirements set forth by the Regional Water Quality Control Board (RWQCB). The proposed project would not install or utilize septic systems or alternative wastewater treatment systems; therefore, the project would have no potential to result in exceedances of the applicable wastewater treatment requirements established by the RWQCB. Accordingly, impacts would be less than significant.

Domestic water and wastewater services are provided to the project site by EMWD. The proposed project would require the installation of onsite water and wastewater conveyance lines to serve the proposed residential development and connect to existing, offsite facilities in the abutting public roadways. Except for small encroachments into adjacent public rights of way of developed/paved streets to connect to existing lines, no physical disturbance for the construction of water or wastewater facilities would be required to service the project. As such, no significant impacts particular to the construction of water or wastewater facilities would occur that would not otherwise occur from grading and development on the project site.

The proposed project is fully consistent with the assumptions made in EMWD's 2010 Urban Water Management Plan. EMWD's 2010 Urban Water Management Plan concludes that the EMWD has sufficient water supplies available to serve planned land uses within its service area through at least 2035. Because sufficient water supplies are available to service the proposed project as documented in EMWD's Urban Water Management Plan, impacts would be less than significant.

The project would be required to comply with the City of Moreno Valley's waste reduction programs, including recycling and other diversion programs to divert the amount of solid waste deposited in landfills. As such, the project applicant or master developer would be required to work with future refuse haulers to develop and implement feasible waste reduction programs, including source reduction, recycling, and composting. Additionally, in accordance with the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code § 42911), the project would provide

adequate areas for collecting and loading recyclable materials where solid waste is collected. The collection areas are required to be shown on construction drawings and be in place before occupancy permits are issued. The implementation of these programs would reduce the amount of solid waste generated by the project and diverted to landfills, which in turn will aid in the extension of the life of affected disposal sites. The project would comply with all applicable solid waste statutes and regulations; as such, impacts would be less than significant.

The MVGP analyzed the potential impacts to Utility and Services presented above and deemed them less than significant after mitigating the specific impacts to expand infrastructure. Therefore, compliance with relevant mitigation measures contained in the MGVP FEIR and the goals, policies, and objectives contained in the MVGP would insure that impacts to Utilities and Service Systems as a result of the proposed project are less than significant.

MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to 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, 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?

Less Than Significant Impact (a): The proposed project's compliance with

the goals, policies, and objectives of the MVGP; the mitigation measures contained in the MSHC and the SKR HCP; the mitigation measures contained in the MVGP FEIR; and the Moreno Valley Municipal Code would insure the project would not have significant potential to 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, 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.

b) Does the project 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 future projects)?

Less Than Significant Impact (b): The proposed project is consistent with the MVGP; therefore, no new cumulative impacts not previously addressed in the MVGP FEIR are anticipated as a result of this residential development. In addition, any potential cumulative considerable impacts as a result of the proposed project would be less than significant with compliance with the goals, objectives, and policies of the MVGP, compliance with the mitigation measures contained the MVGP FEIR, and compliance with the Moreno Valley Municipal Code.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact (c): Based on the analysis of this initial study, the project would not cause substantial adverse effects on human beings, either directly or indirectly.

NEGATIVE DECLARATION

PROJECT TITLE AND FILE NUMBER: PA14-0014 (Conditional Use Permit for a Planned Unit

Development) and PA14-0015 (Tentative Tract Map No. 36708)

PROJECT APPLICANT: Nova Homes **TELEPHONE NUMBER:** (949) 640-4800

PROJECT LOCATION: Southwest corner of Perris Blvd & Cactus Ave (south to Delphinium Ave)

APN(s): 482-582-038, 039, 040 & 482-230-024

PROJECT DESCRIPTION: Tentative Tract Map 36708 (PA14-0015) merges approximately 15.92 acres of land into one parcel with 122 residential units and 20 let tered lots for private streets and landscape purposes. The second application is a Conditional Use Permi t (PA14-0014) for a Planned Unit Development (PUD) that provides design standards for the condominium complex and also provides private/common recreational opportunities.

FINDING

The City of Moreno Valley has reviewed the above project in accordance with the City of Moreno Valley's Guidelines for the Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report need not be prepared because:

- [] The proposed project will not have a significant effect on the environment.
- [X] Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described in the attached Initial Study and hereby made a part of this Negative Declaration. The Final Conditions of Approval contain the final form and content of all mitigation measures.

This determination is b ased upon an Initial St udy. The project file, including the Initial St udy and related documents is available for review during normal business hours (Monday through Thursday and 7:30 a.m. to 1:30 p.m. on the second and fourth Friday of the month) at the City of Moreno Valley, Community & Economic Development Department, Planning Division, 14177 Frederick Street, Moren o Valley, California 92553, Telephone (951) 413-3206.

PREPARED BY: Claudia Manrique, Associate Planner DATE: December 11, 2014

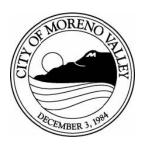
NOTICE

The public is invited to comment on the Mitigated Negative Declaration. The appropriateness and adoption of the Mitigated Negative Declaration is considered at the time of project approval in light of comments received.

DATE ADOPTED:	1/27/15	BY: City Council
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Mitigation Monitoring and Reporting Program Nova Homes Inc. "Isla Verde"

PA14-0014 (CUP)
PA14-0015 (Tentative Tract Map 36708)



City of Moreno Valley Community Development Department 14177 Frederick Street Moreno Valley, CA 92552

December 2014

INTRODUCTION

CEQA Requirements

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a Mitigation Monitoring and Reporting Program (MMRP) for the changes to the project that it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The appropriate reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6). The Planning Division will coordinate the project monitoring of the mitigation measures with each applicable department or division, while various City departments/divisions would be responsible for monitoring and verifying compliance of specific mitigation measures. (See Mitigation Monitoring and Reporting Summary Chart beginning on page 4.) Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation measure; and 3) retention of records in the project file.

Program Objectives

The objectives of the MMRP for the Proposed Project include the following:

- To provide assurance and documentation that mitigation measures are implemented as planned;
- To collect analytical data to assist City administration in its determination of the effectiveness of the adopted mitigation measures;
- To report periodically regarding project compliance with mitigation measures, performance standards and/or other conditions; and
- To make available to the public, upon request, the City record of compliance with project mitigation measures.

Overview of the Project

The Proposed Project entails the construction and operation of an approximate 366,698 square-foot warehouse on approximately 16.15 gross acres at the southwest corner of Cactus Avenue and Perris Boulevard in the City of Moreno Valley. Two discretionary actions are required on the part of the City to approve the Project. The approval of Tentative Parcel Map 36708 is requested to consolidate four parcels into one parcel to accommodate development of the condominium. Approval of the Conditional Use Permit (CUP) application for a Planned Unit Development (PUD) provides design standards for the condominium complex and ensures compatibility with the City's General Plan and Development Code.

The following describes the various sections of the MMRP:

• **Introduction** - Provides an overview of CEQA's monitoring and reporting requirements, program objectives, the project for which the program has been prepared, and the manner in which the mitigation-monitoring program has been organized.

- Description of Plan Describes the City entities responsible for implementation of the
 mitigation monitoring plan, the plan scope, procedures for monitoring and reporting,
 public availability of documents, the process for making changes to the program, types of
 mitigation measures, and the manner in which monitoring will be coordinated to ensure
 implementation of mitigation measures.
- **Mitigation Monitoring and Reporting Summary** Identifies the mitigation measures, responsible entities, and the timing for monitoring and reporting for each mitigation measure included in the plan.

DESCRIPTION OF PLAN

Mitigation Monitoring Procedures

This MMRP delegates responsibilities for monitoring the project, and allows responsible City entities flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. The timing for monitoring and reporting is described in the "Mitigation Monitoring and Reporting Summary" table included as part of this program. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

In order to enhance the effectiveness of the monitoring program, the City will utilize existing systems where appropriate. For instance, with any major construction project, the administration generally has at least one inspector assigned to monitor project construction. These inspectors are familiar with a broad range of regulatory issues and will provide first line oversight for much of the monitoring program. Responsibilities of City include identification of typical mitigation measure-related issues such as noisy equipment, dust, safety problems, etc. Problems are generally corrected through directions to the contractors, or through other appropriate, established mechanisms. Internal reporting procedures are already in place at the City to document any problems and to address broader implementation issues.

Reporting Procedures

The Planning Division is responsible for monitoring and implementing the mitigation measures included in this monitoring plan. Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

The Planning Division distributes reporting forms to the appropriate City Department (as indicated on the Mitigation Monitoring and Reporting forms) or employs the office's existing reporting process for verification of compliance.

Responsible entities verify compliance by signing the monitoring and reporting form and/or documenting compliance using their own internal procedures when monitoring is triggered.

Responsible entities provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. The reporting forms prepared by the City document the implementation status of mitigation measures of the project.

The progress reports describe the monitoring status of all project mitigation measures. Project reporting forms and periodic status reports will be available at the City.

Public Availability

All monitoring reporting forms, summaries, data sheets, and correction instructions related to the Mitigation Monitoring and Reporting Program for the Nova Homes Inc. Isla Verde Project will be available for public review upon request at the City of Moreno Valley Department of Public Works offices during normal business hours.

Program Changes

If minor changes are required to the MMRP, they can be made in accordance with CEQA and can be permitted after further review by the City. Such changes could include reassignment of monitoring and reporting responsibilities and/or redesign to make any appropriate improvements. No change would be permitted unless the Mitigation Monitoring Program continues to satisfy the requirements of Public Resources Code Section 21081.6.

Types of Mitigation Measures Being Monitored

The Final Mitigated Negative Declaration for the Nova Homes Inc. Isla Verde Project is a "project specific" and "cumulative" evaluation as defined in the CEQA Guidelines. The Final Mitigated Negative Declaration recommends project specific and cumulative mitigation measures to reduce impacts related to air quality, biological resources, cultural resources and noise. Compliance with the referenced mitigation measures will be demonstrated through the administrative controls over project planning and implementation. The monitoring will be accomplished as described previously under "Reporting Procedures" through verification and certification by City staff.

In general, implementation of the MMRP will require the following actions:

- Appropriate mitigation measures will be included in construction documents.
- Departments with reporting responsibilities will review the Final Mitigated Negative Declaration, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed by the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance with mitigation measures.

Mitigation Measure	Responsible Party	Verification of	Timing	Start	Finish	Monitoring	
J		Compliance		Date	Date	Date	Monitor
Air Quality							
MM AQ-1 Painting and surface coating shall be limited to an aggregate area of no more than 25,000 square feet per day during any phase of construction; or Paints and surface coatings shall be limited to a VOC content of no more than 30 milligrams per liter of VOC content.	Construction Supervisor	Building and Safety Division	As necessary during construction				
MM AQ-2 Any hearth, stove, or fireplace designed to burn wood shall be omitted or replaced with a unit designed to burn only natural gas.	Building Architect	Building and Safety Division	Prior to Building Plan approval				
MM AQ-3 During site preparations, the contractor shall water the construction site a minimum of three times per day, rather than twice per day as required under Rule 403 (SCAQMD - to prevent, reduce or mitigate fugitive dust emissions).	Construction Supervisor	Land Development - Public Works Division and Building and Safety Division	As necessary during grading and construction activities				
Biological Resources							
MM BIO-1 A burrowing owl pre-construction survey shall be conducted by a qualified biologist within 30 days	Owner; Project Biologist	Planning Division	Prior to issuance of Grading Permit				

Mitigation Measure	Responsible Party	Verification of	Timing	Start	Finish Date	Monitoring	
		Compliance		Date	Date	Date	Monitor
prior to ground disturbance to avoid impacts to the species. Should burrowing owls and/or occupied nests be detected on the property, the nests will be avoided and protective measures as recommended by the qualified biologist will be implemented.							
MM BIO-2 Within 30 days prior to ground disturbance, a pre-construction survey of any shrubs on-site shall be conducted by a qualified biologist to determine if any migratory bird nests exist and are occupied. Should occupied nests be detected on the property, the nests will be avoided and protective measures as recommended by the qualified biologist will be implemented.	Owner; Project Biologist	Planning Division	Prior to issuance of Grading Permit				
Cultural Resources							
MM CULT-1 In the event that prehistoric or historic archaeological resources (e.g., bottles, foundations, refuse dumps, Native American artifacts, etc.) are unearthed during ground-disturbing activities, the Applicant shall halt or redirect ground-disturbing activities away from the vicinity of the find so that the find	Owner/Project Applicant; Construction Supervisor	Planning Division	Prior to Grading Permit; During Grading Activities				

Mitigation Measure	Responsible Party	Verification of Timing Start Finish		v Timing		Timing		Monitoring	
, and the second		Compliance	S	Date	Date	Date	Monitor		
can be evaluated by a qualified									
archaeologist. Work shall be allowed									
to continue outside of the vicinity of									
the find. All archaeological resources									
unearthed by Project construction									
activities shall be evaluated by an									
archaeologist. The Applicant shall									
coordinate with the archaeologist and									
the City to develop an appropriate									
treatment plan for the resources if									
they are determined to be potentially									
eligible for the California Register or									
potentially qualify as unique									
archaeological resources pursuant to									
CEQA. Treatment may include									
implementation of archaeological									
data recovery excavations to remove									
the resource or preservation in place									
or avoidance. The archaeologist shall									
prepare a report regarding the find									
and its treatment effort that shall be									
submitted by the Applicant to the									
City, the South Central Coastal									
Information Center, and									
representatives of other appropriate									
or concerned agencies to signify the									
satisfactory completion of the project									
and the required mitigation measures.									
The report shall include a description									
of resources unearthed, if any,									
treatment of the resources, and									
evaluation of the resources with									
respect to the California Register.									
The Applicant, in consultation with									
the archaeologist and the City shall									
designate repositories meeting State									

Mitigation Measure	Responsible Party	Verification of	Timing	Start	Finish	Monitoring	
8		Compliance	8	Date	Date	Date	Monitor
standards in the event that archaeological material is recovered. Project material shall be curated in accordance with the State Historical Resources Commission's Guidelines for Curation of Archaeological Collections.							
MM CULT-2 If construction excavations would encounter the fossiliferous Pleistocene alluvial sediments that are located at an unknown depth within the Project site, a qualified shall be retained by the Applicant. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified Paleontologist shall supervise a paleontologist shall supervise a paleontological monitor who shall be present during construction excavations into Pleistocene alluvial sediments. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring inspections shall be determined by the Paleontologist and shall be based on the rate of excavation and grading activities, the	Owner/Project Applicant; Construction Supervisor	Planning Division	Prior to Grading Permit; During Grading Activities				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start		Monitoring	
Ü				Date	Date	Date	Monitor
materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.							
MM CULT-3 If a potential fossil is found, the Paleontological Monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the Paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing.	Owner/Project Applicant; Construction Supervisor	Planning Division	Prior to Grading Permit; During Grading Activities				
MM CULT-4 Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the San Bernardino County Museum or the Western Science Center. Accompanying notes, maps, and photographs shall also be filed at the repository.	Owner/Project Applicant; Construction Supervisor	Planning Division	Prior to Grading Permit; During Grading Activities				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start		Monitoring	
		Compliance	_	Date	Date	Date	Monitor
MM CULT-5 Following the completion of the above measures, the Paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Project Applicant to the lead agency, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.	Owner/Project Applicant; Construction Supervisor	Planning Division	Prior to Grading Permit; During Grading Activities				
MM CULT-6 If human remains are encountered unexpectedly during implementation of the proposed project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most	Owner/Project Applicant; Construction Supervisor	Planning Division	Prior to Grading Permit; During Grading Activities				

Mitigation Measure	Responsible Party	Verification of	Timing	Start	Finish	Mon	itoring
ő		Compliance		Date	Date	Date	Monitor
Likely Descendent (MLD). The MLD							
may, with the permission of the land							
owner, or his or her authorized							
representative, inspect the site of the							
discovery of the Native American							
remains and may recommend to the							
owner or the person responsible for							
the excavation work means for							
treating or disposing, with							
appropriate dignity, the human							
remains and any associated grave							
goods. The MLD shall complete their							
inspection and make their							
recommendation within 48 hours of							
being granted access by the land							
owner to inspect the discovery. The							
recommendation may include the							
scientific removal and nondestructive							
analysis of human remains and items							
associated with Native American							
burials. Upon the discovery of the							
Native American remains, the							
landowner shall ensure that the							
immediate vicinity, according to							
generally accepted cultural or							
archaeological standards or practices,							
where the Native American human							
remains are located, is not damaged							
or disturbed by further development							
activity until the landowner has							
discussed and conferred, as							
prescribed in this mitigation measure,							
with the MLD regarding their							
recommendations, if applicable,							
taking into account the possibility of							
multiple human remains. The							

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date		Monitoring		
		Compnance		Date	Date	Date	Monitor	
landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment. Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.								
Noise			1	•			l	
MM N-1 At a minimum the structures that back along Perris Boulevard and Cactus Avenue shall be constructed with batten insulation in the exterior walls. Alternatively, these structures could be of masonry construction negating this requirement.	Building Architect	Building and Safety Division						

Mitigation Measure	Responsible Party	Verification of	Timing	Start	Finish Date	Monitoring	
J		Compliance		Date	Date	Date	Monitor
MM N-2 All exterior fittings that enter these structures (e.g., electrical conduits, HVAC ducts) are to be sealed with caulk such that the fittings are rendered as air-tight. Any metal ductwork that is exposed to the exterior environment shall be enclosed and insulated to avoid noise transference through the ducting.	Building Architect	Building and Safety Division					
MM N-3 The Applicant shall provide these structures with forced air ventilation designed and installed in accordance with the California Uniform Building Code.	Building Architect	Building and Safety Division					
MM N-4 The Applicant shall specify a minimum STC rating of 32 and 33 for all first and second story, respectively, window and/or door assemblies, that have a view toward Perris Boulevard (east facing) These windows and/or doors are to be well fitting with vinyl (or equivalent) gaskets that form an air tight fitting.	Building Architect	Building and Safety Division					
MM N-5 The Applicant shall specify a minimum STC rating of 28 and 32	Building Architect	Building and Safety Division					

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring		
			_	Date	Date	Date	Monitor	
for all first and second story, respectively, window and/or door assemblies that have a view toward Cactus Avenue (north facing) These windows and/or doors are to be well fitting with vinyl (or equivalent) gaskets that form an air tight fitting.								
MM N-6 The Applicant shall abide by any other measures set forth by the City of Moreno Valley Planning Department for noise mitigation.	Owner/Project Applicant; Construction Supervisor	Planning Division						

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2. 1 Case Description: PA14-0014 Conditional Use Permit 2 PA14-0015 (TTM 36708) 3 Applicant: Nova Homes 4 Owner: Perris-Cactus Development LLC 5 Representative: **Nova Homes** 6 Location: Southwest corner of Perris Blvd. & Cactus Ave. 7 (South to Delphinium Avenue) 8 Proposal: A Conditional Use Permit and Tentative Tract 9 Map for a 122 Planned Unit Development 10 (PUD) (Single Family Townhouse product) on 15.9 acres including a clubhouse and pool 11 12 within the Residential 10 (R10) Zoning District 13 Case Planner: Claudia Manrique

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Recommended Action:

- 1. Open the Public Hearing and receive Public Comments.
- 2. Close the Public Hearing.
- 3. APPROVE Resolution No. 2014-29 and thereby:
 - A. ADOPT a Mitigated Negative Declaration for PA14-0014 CUP and PA14-0015 (TTM 36708) pursuant to the California Environmental Quality Act (CEQA) Guidelines; and,
 - B. APPROVE PA14-0014 CUP and PA14-0015 (TTM36708) based on the findings contained in the resolution and subject to the conditions of approval included as Exhibit A of the resolution.

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<u>CHAIR SIMS</u> – So we'll move on to Case number 3. It's PA14-0014 Conditional Use Permit and PA14-0015 Tentative Tract Map 36708. The applicant is Nova Homes and our Staff will provide us with the Staff Report is Miss Manrique, so you have the floor.

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ASSOCIATE PLANNER MANRIQUE — Good evening. I'm Claudia Manrique, the Case Planner for PA14-0014 and 0015. The Applicant, Nova Homes has submitted two applications, a Tentative Tract Map 36708 merges approximately 15.92 acres of land into one parcel with 122 residential units and 20 lettered lots for private streets and landscaping purposes. The second application is a Conditional Use Permit for a Planned Unit Development or PUD that provides design standards for the condominium complex and also provides private and common recreational opportunities. The project site lies within Residential 10 or R10 Land Use District. Individual residential lot areas within the PUD range in size from 3,400 square feet to 6,668 square feet with the average size being 3,754 square feet. There is no minimum lot sizes for condominium projects with detached residences which are allowed in multiple family districts as long as the minimum density is met. Eighty percent of the allowable density must be achieved by all projects within the multi-family zoning. The minimum density for

R10 is eight. The 122 units will result in a density of approximately eight units per acre. To allow for variation in residential design, the applicant is proposing a Conditional Use Permit for a PUD. The PUD section of the Municipal Code, Section 9.03.060 outlines specific goals and objectives for the project that encourages a greater innovation in housing development and diversity of housing choices. The proposed project will offer opportunities of owning a house on a small lot which is particularly well suited for first time home buyers. As part of the PUD, Nova Homes has provided elevation design plans for the proposed townhouses, including a clubhouse building. The submitted PUD home plans have been reviewed and found to be consistent with the City's design guidelines for single family homes. The project includes five footprints and three elevations, two story houses between 2,054 to 2,696 square feet in size. The plans incorporate four different architectural styles: California Spanish Traditional. Santa Barbara. Tuscan and the French Cottage. The proposed home plans provide all the required design elements that would create an attractive neighborhood. The project site consists of vacant parcels that have been previously disked for weed abatement. There are two sets of duplexes with a total of four residences near the northwest corner of the project along Cactus Avenue and three single family residences near the southeast corner of the project along Perris Boulevard and Delphinium. All these are also zoned R10 and will remain. Directly west of the site along Delphinium are the Chaparral Hills Elementary School and Badger Springs Middle School. Both are zoned Public. There are three points of access provided for the PUD, from Cactus, Perris Boulevard and Delphinium Avenue. All proposed interior streets, drive aisles and recreation areas will be private and gated and will be maintained by a Homeowners Association. The parking requirements for the project were 2.5 spaces per unit for a total of 305 spaces, which is met by the project. The housing project includes a minimum of a 20 x 20, two car garage, which is 244 parking spaces. Street parking will be available on various internal streets through the use of parking pockets, aka parallel parking. The project has approximately 1,964 feet of street parking for approximately 70 cars and guest parking stalls are provided near the recreation areas in the center of the project and this brings the total to 324 spaces for the entire project. All fence and walls are conditioned to be consistent with the code. The plans include a six foot high solid decorative block wall with pilasters along the entire project perimeter. Decorative block walls are also required within the PUD on all corner lots. All landscaping along Cactus, Perris and Delphinium as well as common open spaces and front yard landscaping within the tract will be maintained by the Homeowners Association as well as the water quality detention basin in the southeast corner of the PUD which will be landscaped, including trees and shrubs and ground cover and maintained by the HOA. Following the preliminary review of the project, we have determined that the project is subject to the guidelines and regulations of CEQA. An Initial Study was prepared by Grable and Associates Environmental Consultants in February of 2014 and supports the recommendation of an environmental finding for a Mitigated Negative Declaration for the project. Public Notice was sent to property owners within 300 feet of the

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project on December 1st, 2014. Public Notice has been posted on site on December 1st as well and published in the Press Enterprise newspaper on November 21st. As of tonight, I received three phone calls, with one of the callers coming to City Hall to review the plans. This citizen is against the project. The other two phone calls were one interested in who the architect of the project was and the other gentleman wanted to know what type of fencing was going to be proposed as his property backs up to the property on the western side. This is the site location; the site plan with the 122 units. Here are some of the elevations of the proposed homes. After tonight, the project will require a model home complex review and at that time the colors and materials for all the houses will be provided, but each one of the elevations has a proposed color scheme. This is the clubhouse elevation that when you come into the project off of Cactus you'll see and here is some of the proposed landscaping just to get an idea of the landscaping that's required. Again they'll submit landscape plans for review and approval. And Staff recommends approval of Resolution 2014-29, adopt a Mitigated Negative Declaration and Approve PA14-0014 and PA14-0015. And the applicants from Nova Homes are here tonight to answer any further questions you may have as well. Thank you.

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<u>CHAIR SIMS</u> – Okay do we have questions for Staff from any of the Commissioners?

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<u>COMMISSIONER RAMIREZ</u> – The one person that called or came into to look at the plans who was opposed to the project, what was their concern?

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<u>ASSOCIATE PLANNER MANRIQUE</u> – She is here tonight and I think she will be the best one to explain fully. I don't want to get any of her words or concerns messed up.

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<u>COMMISSIONER RAMIREZ</u> – Great, thank you.

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<u>VICE CHAIR LOWELL</u> - I don't know if this is for Staff or the Applicant, but on the project overview, this was a confusing point to me. It says the project consists of two applications, Tentative Tract Map 36708, which merges approximately 15.92 acres of land into one parcel with 122 residential units and 20 lettered lots. The way I read that is that we're taking a big piece of land and we're creating one big parcel out of it and then we're putting 122 homes on there on one parcel. Shouldn't it be we're merging it and then subdividing it into 122 lots or how does that work?

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44 45 <u>PLANNING OFFICIAL SANDZIMIER</u> – It proposes a condominium development. They will look like single family homes but they are essentially a condominium project, so you basically approve one condominium lot and the condominium lot identifies the total number of units. The project will have a condominium plan and corresponding CC&R's that regulate the maintenance

responsibilities for the open space areas. So the condominium... it's a condominium map.

<u>VICE CHAIR LOWELL</u> – So when you are buying into this, you're buying the air space or are you buying the actual property? The reason why I'm asking is if you look on the Tentative Map, it shows distinct lot lines and it shows setbacks between buildings and setbacks to lot lines and I'm trying to figure that out. It doesn't quite make a whole lot of sense to me. It's counter intuitive. The tentative maps that I'm used to, when you see the lines between homes those are the lot lines and if this is a condominium map those lot lines should be gone. That's what I was trying to clarify because the condominium plans I'm used to is they buy; it's like an apartment, you buy the air space, you buy your footprint.

<u>COMMISSIONER BARNES</u> – Private open space also. I don't want to speak for the applicant.

<u>VICE CHAIR LOWELL</u> – That's what I'm trying to clarify because it's look like we have lot lines and 122 lots.

 <u>COMMISSIONER VAN NATTA</u> – I can explain a little bit too while they're discussing that. With a condominium in this type of situation, they still own their own house. They own the building, not just the air space, they own the building and they are responsible for the maintenance of it and everything. The only thing that is held in common is the land and the reason for that is when you are trying to put eight homes per acre, basically that would be 5,445 square feet per house, but by doing it as a condominium, you have more flexibility on where you put the actual lot lines per say, you know the actual fence lines of each one of the units so that you can have the open space and so forth and still keep it within the eight homes per acre without having each specific lot having to have that specific square footage.

<u>VICE CHAIR LOWELL</u> – Correct and then the next paragraph says the average lot size is 3,754 square feet.

 <u>COMMISSIONER VAN NATTA</u> – Exactly because you have; well you have 5,445 per house for the entire development, but then you squeeze it down to smaller size lots for each one of the houses and the rest of the lot square footage is in the open spaces and the...

<u>VICE CHAIR LOWELL</u> – I wasn't so concerned about the square footage, I was just curious that we have one parcel with 122 residential units and then it's talking about average lot size which you would divide by 122 lots.

<u>COMMISSIONER VAN NATTA</u> – You still have to have the lot size so that each owner of the house knows what portion of the land he gets to use exclusively,

even though the ownership is undivided in the land, you have to have the right to use this piece of it.

PLANNING OFFICIAL SANDZIMIER – She has explained it very well. I don't know that I can do any better than that, but on a ... most people think a condominium is an attached product, but it doesn't have to be an attached product because there are mechanisms that allow for exactly as the Commissioner has outlined and basically in the CC&R's, it defines the use and maintenance of that area around the units. The reason that we look at the map in the precise detail that it's presented to you this evening is because as a PUD we're still making sure that it meets with all our development regulations, but beyond real estate does not take on any land use responsibility. That land use responsibility stays here with the City and so we have to assure that the development standards for the underlying zoning and the product type meet setbacks and lot coverage so to speak and that we're getting the 300 feet of common open space and the hundred and I think it's fifty feet per private open space and those sorts of things are still being complied with and that's what the Staff is evaluating.

<u>COMMISSIONER BARNES</u>- Well just to be clear so I understand this. Could the same development be done as a PUD with individual lot sales? It could correct?

PLANNING OFFICIAL SANDZIMIER - Yes

COMMISSIONER BARNES – Okay

<u>CHAIR SIMS</u> – I have a couple of questions. On letter lots G and F, I think I know the answer but I'll let Staff answer this. There is no Fire Department turn around for those short little stub streets to those three lots. Is that because there is just length or just pull hose or what is the deal on that?

<u>VICE CHAIR LOWELL</u> – It's also lot J also. It's the same situation. Its 150 feet of dead end road at the southeast corner.

ASSOCIATE PLANNER MANRIQUE – A couple of them will actually have pedestrian access out, especially the one off of Delphinium. The property is by two schools so we thought it a good idea to provide a way for the kids to walk out of a gate that is not with the cars, that way they could just exit down Delphinium and go west to either the Middle School or the Elementary School. The one off of Cactus, it does back up one of the existing homes and they just needed some landscape areas as well as a turnaround for fire and then also the one resident to get into their driveway and so...

<u>CHAIR SIMS</u> – I guess my question is more focused. I mean where street H and B kind of go where it dead ends into the back of a house backyard. I mean that's almost like a little fire truck can go in and out of that, but I'm more focused here

December 11th, 2014

1 2 3 4	with street F and street G that the little streets that go up looks like the park area and by the pool, there is no is that street short enough not to have a truck can park out onto the other streets going north and south and just pull hose.
5 6 7	<u>COMMISSIONER BARNES</u> – That's 150 feet. They can pull in and back up. That's up to the Fire Official but
8 9	VICE CHAIR LOWELL - It's almost exactly 150 feet
10 11 12	<u>CHAIR SIMS</u> – It's been a long time since I designed subdivisions so I can't remember.
13 14 15 16 17	FIRE DEPARTMENT REPRESENTATIVE REINERTSON – Yeah that is correct. The distance to a dead end without having to provide a hammerhead or a turnaround or some way to actually get a rig back out of there is 150 feet. There are certain mitigating measures that may have been made in this as well. I haven't had a whole lot of opportunity to review the site plan, but the 150 feet is what is currently in code.
19 20 21 22 23	<u>CHAIR SIMS</u> – Okay thank you and then the other question I have is it looks likes as if there will be fencing between all these lots that aren't really lots and so
24	VICE CHAIR LOWELL - It's implied ownership
25 26 27 28	<u>CHAIR SIMS</u> – It's implied ownership, so is there going to be some kind of interior fencing between the lots?
29	ASSOCIATE PLANNER MANRIQUE - Yes, they'll be
30 31 32 33 34	<u>CHAIR SIMS</u> – Who maintainsso for consistency long term for the overall consistency, look and feel and aesthetics of the community, who has responsibility for the interior fencing maintenance over time?
35 36 37 38	ASSOCIATE PLANNER MANRIQUE – It will be the Homeowners Association and we are also working with the applicant approved for the internal fencing; the poly vinyl product which is a little more than wood up front, but it lasts a lot longer and then of course it will be a uniform look throughout the whole project.

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CHAIR SIMS – Okay

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<u>COMMISSIONER BARNES</u> – What about landscape maintenance? How is that handled?

ASSOCIATE PLANNER MANRIQUE – The Homeowners Association

<u>PLANNING OFFICIAL SANDZIMIER</u> – The creation of the Homeowners Association will be necessary. The CC&R's that are incorporated will define some of those maintenance responsibilities, so to say that it's part of a Homeowners Association is correct, but some of the actual responsibilities may be written up for the individual unit owner to take care of. It will define that. The applicant may be able to provide some additional light on that, but that's our understanding of how that would work out.

<u>VICE CHAIR LOWELL</u> – This is a point of contention with me on some of the projects that are presented to us. I write WQMP's regularly. WQMP is Water Quality Management Plan. The single detention basin is the sole point of collection for 15, almost 16 acres of land. Everything surface drains basically due south towards Delphinium, gets collected in one catch basin. You do the math on the catch basin and it has a storage volume of 1.2 acre feet of water. Fifteen or almost 16 acres of land that is going to be a majority of it is going to be impervious, will generate a lot of rain. If you try to funnel all that rain from pretty much anything over about a two year storm, you are going to over inundate that basin. I think that basin needs to be re-evaluated. Also on the water quality side of things, I think on a project of this scope, I think the Planning Commission should be given a copy of the preliminary WQMP so we can review it. I don't see any water quality anything associated with the detention basin, but it was called out as a water quality basin. Do you know what BMP is being proposed?

<u>ASSOCIATE PLANNER MANRIQUE</u> – Just briefly, I know that they were working with the applicant to get some of the front yards of the individual houses as part of the water quality and then we also have the engineer here.

<u>APPLICANT KLEPPE</u> – If I may, my name is Vince Kleppe, I'm the project Civil Engineer.

<u>PLANNING OFFICIAL SANDZIMIER</u> – May I interrupt. You may want to open up the Public Hearing if you are going to start to take some testimony. I don't believe we've opened the Public Hearing.

<u>CHAIR SIMS</u> – Okay, is there any more before we get into that, is there any more questions of Staff that any of the Commissioners have?

 <u>VICE CHAIR LOWELL</u> – Well back to one of my questions is during this phase of the design, I believe a preliminary WQMP should have been prepared. Is that something that can be provided to us for future meetings so we can look over some of the items in there or is that reaching too far beyond the Planning Commission's responsibility?

 ASSOCIATE PLANNER MANRIQUE – Land Development is not here tonight, but they usually provide and I have a letter from the consultant who approved it, that it was approved, but I don't actually have a copy of the WQMP. Land Development does, but since you guys are asking for it, we can work with Land Development to make sure that we have something, if not the whole document, a summary at least to provide to you.

<u>VICE CHAIR LOWELL</u> – I'll defer my questions to applicant when it becomes that point in time.

<u>CHAIR SIMS</u> – Any more questions of Staff? Okay then we'll open up the Public Hearing.

APPLICANT KLEPPE – Again my name is Vince Kleppe. I'm the Project Civil Engineer and I heard that the detention basin was described as a Water Quality Basin, but in fact that is not the case. We had met with City Land Development Staff early one and they expressed great concern that they wanted us to incorporate LID techniques throughout the project for water quality, so what we ended up doing as the Water Quality Management Plan in which to it's been approved. Roughly every other or every third house has a bio-retention facility in the front yard, which is to be maintained by the HOA to collect water from the streets and houses to treat the water and then it goes through a sub-drain to a pipe that pipes it to the detention basin, where at that point it has already been cleaned, so the detention basin itself is not designed as a water quality feature. It is only to detain the storm events and again that's all presented in the Water Quality Plan. We had worked through with City Staff and their consultant to get approved.

<u>VICE CHAIR LOWELL</u> – So the basin is large enough to mitigate increase in flow? It seems kind of small.

<u>APPLICANT KLEPPE</u> – We had to mitigate the difference between the hundred year and the ten year storm event, because the existing storm drain facility was adequate for the ten year.

<u>VICE CHAIR LOWELL</u> – And 1.2 acre feet is big enough for a 16 acre site? It seems kind of small.

<u>APPLICANT KLEPPE</u> – Well we had done the hydrology calculations and then the City Engineer had reviewed everything, so the answer is yes and while I'm here if I can further clarify on the look of the project is having individual lots. The way that they are delineated is to help show the private open space that each residence is going to have. That is why they look like lots to show that and the square footage as well.

CHAIR SIMS - Do we have any other speakers for this item?

GRACE ESPINO-SALCEDO – We have three other speakers.

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SPEAKER MUNGARY – Good evening. My name is Tom Mungary and I'm with the Nova Team. We're here tonight to answer any questions that you may have, consisting of Vince whom you just met; Ivano Stamegna, President of Nova Homes and David Alkazer the property owner. Before I go any further, I would like to thank Claudia and the Planning Staff for doing a great job on this with us. It was a pleasure to work with all of you. Telephone calls were promptly answered. Emails were promptly answered and from our standpoint, this was a text book example of how a development application should be processed, so As Claudia mentioned, this is going to be a gated thanks again to all. community. Nova Homes has designed and built several gated communities. We believe it offers a very attractive lifestyle to a growing segment of the population. Now there were some questions earlier on about who owns what and what is actually shown on the site plan. Streets are common, common area owned by the HOA and maintained by the HOA. Common area amenities such as the clubhouse, walkways, the swimming pool, all owned in common by the Homeowners Association and maintained by the Homeowners Association. That is why it is popular to a growing segment of the community. Your houses, you are pretty assured that the community is going to look 15 or 20 years from now just as it looks today. There aren't going to be those one or two houses in every neighborhood where the lawns don't get mowed, the paint is peeling and it generally detracts from the appearance of the neighborhood. We believe this type of community develops a sense of neighborhood and a sense of community with the playground, clubhouse, swimming pool, community meetings on a regular basis, you get to know more than the guy that lives across the street or a guy down the street that your kids play with. It actually develops a sense of community and we're very pleased with that. The houses themselves are going to be great houses. They are the best; we've taken the designs of proven winners and incorporated them into five floor plans, three elevations per floor plan and multiple color schemes that provide great diversity. It's going to be neighborhood. They are not all going to look the same. They are going to be diverse and we're very proud of that fact. There is also City benefits that are collateral to the development of this community such as undergrounding the utilities along Perris and Cactus, building the median for Perris Avenue. It's going to be a great project and it's going to be a great benefit to the entire community and we hope tonight that you approve these applications and we're here to answer any more questions that you may have. Thank you very much.

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GRACE ESPINO-SALCEDO – Ivano Stamegna did you want to come up?

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<u>CHAIR SIMS</u> – Well I think we had a question from Commissioner Van Natta.

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<u>COMMISSIONER VAN NATTA</u> – A design question for the applicant.

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1	SPEAKER STAMEGNA - Good evening. My name is Ivano Stamegna. I'm
2 3	here to answer any questions.
<i>3</i>	COMMISSIONER VAN NATTA - One concern I had and, I seem to from what
5	I'm look at here it looks like here well actually two concerns. One is that it
6	appears as though your floors plans each have a downstairs bedroom.
7 8	SPEAKER STAMEGNA – Yes
9	SPEARER STAINEGRA - 165
10	COMMISSIONER VAN NATTA – Okay and the other thing is I was looking at the
11	site plan for the driveways, because one of the problems I've seen with this type
12	of development is quite often the driveways are not deep enough to park two cars in and where I could see the measurements and in some of them it showed
13 14	20 feet on the driveways. Is that the minimum depth of the driveways?
15	20 loot on the diveways. To that the minimum depart of the diveways.
16	SPEAKER STAMEGNA – Yes we followed the code. Yes
17 18	COMMISSIONER VAN NATTA – Okay, alright that was my only two questions.
19	COMMISSIONER VAN NATTA — Okay, amgint that was my only two questions.
20 21	<u>CHAIR SIMS</u> – Alright do you have any comments that you'd like to add?
22	SPEAKER STAMEGNA - No I think Tom said it all really. This is a great project
23	and we hope that you approve the project.
2425	COMMISSIONER VAN NATTA - I do have one additional question. What price
26	range do you expect these houses to be? It was mentioned that they were going
27	to meet the needs of first time buyers.
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29 30	SPEAKER STAMEGNA – We believe today it would be in the low 300's.
31	COMMISSIONER VAN NATTA - So it would be within FHA range. Are you
32	planning on building this for approval for FHA financing?
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34 35	SPEAKER STAMEGNA – Yes
36	COMMISSIONER VAN NATTA – Okay, thank you.
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38	<u>CHAIR SIMS</u> – Okay we have one more speaker is Ms. Lori Nickel.
39 40	SPEAKER NICKEL - Okay, hi I'm Lori Nickel. I live at 24848 Cape Cod Street,
41	Moreno Valley. I live adjacent to this property. I've lived there 30 years. I
42	probably know more even than City Staffers in regards to this parcel. My first
43	introduction to the applicant was to the razing of 50 year old olive trees that were
44 45	at our fence line. They are part of historical old family grove and I'd like to give you a picture. (Inaudible – walks away from microphone) not that I'm
46	necessarily always a tree hugging Sierra Club girl, I did manage with Officer

Riley to save my tree behind my lot that I've watered for 30 years. Now the other thing that you are not seeing is that they do not own to the top of the slope. This is a development that was done and approved under the County days and it was filled in by our developer. I'm an original owner, so all of our land was not included, so if we're talking about a six foot wall going up a slope that would probably make their second story about eye level with our land and one of my neighbors is here as well. I honestly probably would rather have an apartment building if we had to have something like that just because I would be able to have some leverage with apartment managers should people start leaving their blinds open and start walking buck naked on the second story. Campaigning this past season, I encountered several School Principals, one who was a former Principal at Armada Elementary where there are two and three story apartment structures that were put in on Section 8 housing, which isn't too far from this site and the Principal expressed to me that he sure wished the City would create some type of ordinance about having high level next to schools, especially elementary schools, because he got kind of tired of having to put his hands over the little kids eyes, because people leave their blinds open and so that is something the City needs to address with. While they talk and you know I applaud their merits of wanting to do something relatively good. On the south side and I hope you'll let me speak past the time, I have numerous photos. On the south side of Delphinium it is a substantial mobile home park. I believe there is about 200 units within the confines. If Staff would put that map up I could show you. Each one of those mobile home coaches is owned by the owner of the coach. It is a rare occurrence. They are not renting that. They pay individual property tax on those. There are no two story structures anywhere near us. North of Cactus; single story, east of Perris single story. There is a small that was supposed to be considered a luxury apartment building that was built probably and Tom Jerele can help me on the date, back when Stanley Fields... we're dating ourselves aren't we here. Yeah, one of the earlier Planning Commissioners put forth that project and it fits where it is located. They also may have wacked some trees that were actually in the State right-of-way because of the proximity to the school. Now I have pictures here and this is what the problem is when you use consultants and when Staff can't get out. Claudia was really great and helpful in printing documents for me. I had a short window with which to prepare because this came out over Thanksgiving break. Do you mind if I walk up to the picture.

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<u>CHAIR SIMS</u> – You've gone way past your three minutes, but we'll give you another minute if you'll wrap this up.

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<u>SPEAKER NICKEL</u> – Okay, well you need to be aware that along (Inaudible – walks away from microphone) Code Enforcement can't keep up with that. They are individual homes; they're not part of an HOA; individual property, people have the rights to do whatever they want. I'm concerned about traffic. If you notice the new crosswalk on Cactus, just before Perris Boulevard, I got the City and traffic to replace that and it was deemed so dangerous that when the City put

that crosswalk there, just before school started, it was deemed dangerous enough that a crossing guard was put there, so there is no guarantee that any of the kids that are in this tract will be able to go to Badger or the Middle School, to the Elementary School Chaparral or to Badger and the School District is in the process of building an alternative Middle School at the corner of Indian and Cactus, so there is a lot of things going on here. Originally that site was zoned single family homes. When it got changed, there wasn't a notification of the residents. I also want to say I have a real problem with the short window of opportunity given to residents; notification, because on the Public Hearing Notice, many of the land owners directly adjacent to this property are Spanish speaking primarily, so they wouldn't understand those and then as I spoke with Hymee, he and I are kind of experts on signs, having done a campaign. The way the notice of the Planning Commission sign was put up, it was right next to the big large white utility junction box for the traffic signal at Cactus and Perris. You would be hard pressed to see it. As it stands now, if you don't live in the City, which a lot of Staffers don't, they're not required to do that, you wouldn't know that about 5 o'clock in the afternoon that the traffic backs to the west with eastbound traffic totally blocking the driveway access for the duplexes that face out onto Cactus.

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<u>CHAIR SIMS</u> – Ms. NICKEL, we do have a three minute time limit. I think you've probably gone closer to ten, so wrap up.

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<u>SPEAKER NICKEL</u> – I was concerned because I wanted to be sure; somebody said they had my support among their development team and they never did. I had them in my home and my husband said you're going to have a problem if they are two story.

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CHAIR SIMS - I appreciate your comments. Thank you very much.

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SPEAKER NICKEL – I'm sorry.

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<u>CHAIR SIMS</u> – I said I appreciate your comments. Thank you.

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<u>SPEAKER NICKEL</u> – Would you like any of pictures to look at? Staff might since they haven't been out there.

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CHAIR SIMS – Okay, do we have any other speakers?

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<u>COMMISSIONER VAN NATTA</u> - I just have a single question on the concern about traffic, where the gates are. There is some buffering space where they pull in before they get to the gate; right. The gate isn't right at the street.

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43 <u>APPLICANT KLEPPE</u> – Correct, there is a stacking distance. You are talking about along Cactus?

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COMMISSIONER VAN NATTA – There is three entrances

<u>COMMISSIONER VAN NATTA</u> – And the walking path for the children to get out, it goes out to Delphinium to where they wouldn't have to cross any streets to go to the schools?

turnaround there that allows vehicles to turn around that can't get access.

83 feet there is another 40 feet or so before they reach the gate and there a

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14 **APPLICANT KLEPPE** – I'm sorry, can you say that again about Delphinium

<u>COMMISSIONER VAN NATTA</u> – The walking path for the... that was discussed earlier about the children being able to exit through a walking path.

<u>APPLICANT KLEPPE</u> – Yes there are sidewalks and a pedestrian gate at Delphinium

COMMISSIONER VAN NATTA – At Delphinium?

APPLICANT KLEPPE – Yes

<u>COMMISSIONER VAN NATTA</u> – Okay, so they wouldn't be going out necessarily on Cactus and trying to cross the street there to get to the schools?

<u>APPLICANT KLEPPE</u> – Well if they exit on Cactus, there is going to be a sidewalk that comes down Perris to Delphinium to the school

COMMISSIONER VAN NATTA – They can just walk around

<u>APPLICANT KLEPPE</u> – Yeah they wouldn't go out that direction to get to the school on Delphinium.

COMMISSIONER VAN NATTA – Right

<u>APPLICANT KLEPPE</u> – But if there are other schools over there, yeah they have to cross Cactus if they go to the north.

<u>CHAIR SIMS</u> – I don't know if there is a grading plan in here, but what is the relationship of the property between the school and I guess it would be the west boundary. What is the relationship of the land to the west of the property? Is it higher or lower?

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APPLICANT KLEPPE - Well starting with Ms. NICKELs property the elevation in
her yard is around 1,555 and the finish floor of our units are going be to 54 in that
region, so she is about a foot higher than our finished floor. As we approach the
school area the finish floor of the downstairs of our units is one to two feet higher
than the school, but obviously the second floor would be visible above any fence
that is put up.

<u>COMMISSIONER VAN NATTA</u> – So, but at her location, the second story would be roughly about the same height as her property is?

<u>APPLICANT KLEPPE</u> – Her property ground level is about a foot higher than ours.

COMMISSIONER VAN NATTA – Oh just a foot.

<u>APPLICANT KLEPPE</u> – A foot, right, so any second floor is going to be higher than the fence line. That's obvious.

<u>COMMISSIONER VAN NATTA</u> – Is going to be higher... I was thinking there was some sort of thing about there being a slope or something there.

APPLICANT KLEPPE – There is a slope today.

COMMISSIONER VAN NATTA – But the finished product is going to be...

<u>APPLICANT KLEPPE</u> – Well we will have a perimeter wall around our site and we'll be raising the elevation on our side of the wall such that her property is around one foot higher than ours, which she was commenting on that we don't own to the slope. We're not planning on doing any construction activity beyond the property line, but the end result is her property is about a foot higher than ours at that location.

COMMISSIONER VAN NATTA - Okay

<u>APPLICANT KLEPPE</u> – And if I may comment about the olive trees along Delphinium, the developer did remove those and the City had contacted us asking if we had a permit to remove them and there was no permit and it was determined that the City didn't want one even after the fact, but the City was appreciative that the trees were removed because they have grant money to build a sidewalk and curb and gutter along Delphinium and they were going to have to take the trees out regardless for that. We worked with Clement in the Land Development Department regarding that.

<u>VICE CHAIR LOWELL</u> – I have a question for the applicant. The site shows three points of access. Two of them are exit only and one is an entrance/exit and the entrance is off of Cactus Avenue. You have 122 lots or residential units. You

figure on average eight to ten trips per day per vehicle per house, so you're talking upwards of 1500 vehicular trips to and from the site per day from one point of access. Having lived in a gated community, those gates break very frequently and that is your only point of entering the site. Isn't going to be very problematic? Can you look at this site and possibly sacrifice one lot to get a second entrance maybe over off of Delphinium? I think that would be beneficial to the site because when one entrance gate breaks and if it happens to break shut, you're locking 122 houses residents out and you can't get in, what is your back up plan for a secondary entrance?

<u>APPLICANT KLEPPE</u> – Tom can you tell me was Delphinium an entrance and exit? So Delphinium is the secondary entrance.

<u>VICE CHAIR LOWELL</u> - The site plan we have before us shows exit only on both of those off of Perris and Delphinium. It says right here exit only.

<u>COMMISSIONER VAN NATTA</u> – This one here says neighborhood entry and that's marked number 2 for there and there.

<u>VICE CHAIR LOWELL</u> – I'm looking at a different plan but this one says exit only.

<u>COMMISSIONER VAN NATTA</u> – This one says main entry here and neighborhood entry here and here.

VICE CHAIR LOWELL - Are you looking at the site plan or...

COMMISSIONER VAN NATTA – I'm looking at the landscaping plan actually.

<u>VICE CHAIR LOWELL</u> – The site plan on attachment 8, it says exit only on both of those. So our landscapers know more than the engineers. It says entry but it says exit. So basically we have a bottleneck. We have one point of entry for 122 lots.

SPEAKER STAMEGNA - To answer your question, if you don't mind we can work with Staff on this issue and if we have to lose a lot we will.

<u>VICE CHAIR LOWELL</u> – You can probably not have to lose a lot, there is probably something we can do, but I think having a second point of access would be beneficial especially say if it breaks down and if you have to get in there because of an emergency. I'm certain you'll have a fire box where you can manually open the gate, but I think it could be hazard only having one point of entry.

1 2 3	<u>COMMISSIONER VAN NATTA</u> – I wouldn't really want to have an entrance on Perris Boulevard because you're going to have traffic problems there, but if there is an entrance on Cactus and Delphinium that would make sense.
4	to all officiallos of Gastas and Bolphinian that Would Make conce.
5 6 7	<u>VICE CHAIR LOWELL</u> – Yeah, because of the size of the project it'd divide the traffic load in half. I'm sure the people living closer to Cactus would appreciate having half the traffic not driving in front of their house.
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9 10 11 12	<u>COMMISSIONER VAN NATTA</u> – And quite often when you have a main entrance, you'll have an entrance that has like a key pad or something so visitors can come if they are given the code and if you have a secondary entrance, it's only open and closed by the remote, so it's only used by the residents.
13 14 15	<u>VICE CHAIR LOWELL</u> — I think that would be beneficial if we could look into having a second point of access. I think that would be great.
16 17	SPEAKER STAMEGNA – That's exactly what we have by the way.
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19	COMMISSIONER VAN NATTA – I kinda thought it would be.
20 21 22 23	<u>CHAIR SIMS</u> – So there is two. It looks like I'm looking at the landscape plan. The main entrance is coming in off of Cactus and on Delphinium you have what looks like a secondary neighborhood entry, but both are gated; correct?
24 25	SPEAKER STAMEGNA – Yes they are both gated.
26 27 28 29	COMMISSIONER VAN NATTA – So then the one going out to Perris, is that also an entrance or is that just an exit.
30	SPEAKER STAMEGNA - No, that's exit only
31 32	COMMISSIONER VAN NATTA – Good, okay.
33 34 35	<u>VICE CHAIR LOWELL</u> – And similarly the entrance off of Delphinium is also exit only?
36 37	SPEAKER STAMEGNA - No, that's entry and exit
38 39 40 41	<u>VICE CHAIR LOWELL</u> – Where is that labelled? I don't see it on any of the plans before us. On the landscape plan it has number 2 highlighted on both and it says neighborhood entry. So the plans are in error?
42 43	SPEAKER STAMEGNA - Yeah, Perris is in error. I apologize.
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<u>VICE CHAIR LOWELL</u> – So Delphinium is an entry and exit?

SPEAKER STAMEGNA – Correct

<u>VICE CHAIR LOWELL</u> – As well as Cactus is an entry and exit and the only exit only is off of Perris?

SPEAKER STAMEGNA – Yes, correct.

<u>PLANNING OFFICIAL SANDZIMIER</u> – If I may Commissioners through the Chairman. In the landscape master plan, which an attachment in the Isla Verde document, you'll indicate that it is labelled two off of Delphinium entrance. If you look at the legend it identifies two as a neighborhood entry.

COMMISSIONER VAN NATTA – So that's attachment 11?

 <u>VICE CHAIR LOWELL</u> – Yeah but the exit only and the entrance and exit, so that basically the entrance off of Delphinium and Perris are both labelled the same, but the applicant is saying they are two different purposes. One is exit only and one is both directions, so there is a clarification.

<u>PLANNING OFFICIAL SANDZIMIER</u> – I understand, we will have to work with the applicant for the clarification but there is some inconsistency in those two documents. I just wanted to point out there is a document that does identify it as an entry point.

<u>COMMISSIONER VAN NATTA</u> – I think having an entrance off of Perris would definitely be a traffic problem and I see the traffic gentleman nodding his head.

TRANSPORTATION ENGINEERING CONSULTANT LLOYD – I'm Michael Lloyd with Transportation Engineering. Agreed that the site when we were reviewing it we did not want a main focal point of traffic coming in and off of Perris. As the applicant has mentioned they will be installing a raised median along Perris Boulevard so that the driveway would be a right in and right out type of driveway operation and it was intended for exit only access and for emergency; vehicle access. To kind of ease some concerns with regards to the access to Delphinium, I could recommend that we amend our conditions so that we add a condition to the Transportation Engineering conditions that would identify the function of the driveway access to Delphinium so that it provides both entry and exit or ingress and egress access at the Delphinium driveway for residents only. So that again that focal point for visitors, delivery trucks etc. are focused to Cactus as it is designed for and that residents would be allowed both entry and exit access to Delphinium. That would be a suggestion and we could amend our conditions if so directed.

VICE CHAIR LOWELL - I like that. I think it's a good idea... yeah

COMMISSIONER VAN NATTA - Yeah

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1 2	CHAIR SIMS – Yes.
3 4 5 6 7 8 9	<u>COMMISSIONER RAMIREZ</u> – On the site plan attachment 8 along the western side of the development on the backyards of the homes there. I see trees there and in the landscaping design attachment 10, there are no trees in those backyards, as a buffer to the homes that are adjacent where Ms. NICKELs lives and also with the schools. Are we going to put trees back there as a buffer?
10 11 12	<u>SPEAKER STAMEGNA</u> – Oh I see Yes we will if you we have no problem putting some trees as a buffer.
13 14	COMMISSIONER RAMIREZ – As a minimal buffer
15	SPEAKER STAMEGNA – You can condition us and we don't mind that.
16 17	COMMISSIONER RAMIREZ - Okay, thank you.
18 19	SPEAKER STAMEGNA – You're welcome
20 21 22	<u>CHAIR SIMS</u> – Questions or comments at this point by the Commissioners?
23 24 25 26	<u>COMMISSIONER BARNES</u> – I have. I have a question probably of Land Development Staff, but they're not here so the applicant's engineer can probably answer. Condition LD96h, you are conditioned to do a lot line adjustment. What is that for?
27 28 29	<u>APPLICANT KLEPPE</u> – I'm not aware of such a condition or a need for the project to do that.
30 31 32 33 34 35	<u>COMMISSIONER BARNES</u> – I'm guessing that was a mistake but I just wanted to make sure. Then I also thought I saw a condition requiring that on the west and north slopes, you put in a concrete v-ditch to intercept runoff off the slope. You're going to pull the wall in two feet and put in a ditch outside the wall?
36 37 38 39	<u>APPLICANT KLEPPE</u> – Yeah that is correct because some of the adjacent areas higher than us add some of the runoff coming towards our site. We have to intercept it.
40 41	COMMISSIONER BARNES - Through the wall and
42 43 44	<u>APPLICANT KLEPPE</u> – Yeah, it will enter the v-ditch, come to a catch basin and then be piped out into our storm system, but all the v- ditch and the wall and everything will be on our side of the property.
45 46	COMMISSIONER BARNES - Right, okay, thank you.

 CHAIR SIMS — I just found on this issue about putting trees along the westerly boundary. I guess looking at the aerial photograph that shows the property in relationship to the school and the existing homes. I would suggest that you know as an expense for all the trees. I guess we're not... if you have CC&R's requiring the individual property owners to maintain the property, I'm assuming this is the people who have the houses with backyards; all these that have backyards, the property owners will have to maintain their backyards and so I guess I would be concerned for the viability of the trees. It wouldn't look like you need trees along the school where there is parking, but where there is the playground and along where there is Cape Cod and I can't read the name...Chippendale I guess; yeah... I would propose as a condition as part of this requirement that the trees along that property line that would be buffering are maintained by the Homeowners Association so the trees are sustainable and perpetuity and not reliant on individual property owners.

<u>COMMISSIONER VAN NATTA</u> – That sounds like it would be difficult to do, because if they're in the homeowners backyards how is the Homeowners Association going to maintain them?

<u>CHAIR SIMS</u> – You just have to have access. It is common ground between them.

<u>COMMISSIONER BARNES</u> – It was discussed that the limits of the exterior maintenance hadn't been decided and would be...

<u>COMMISSIONER VAN NATTA</u> – Yeah but generally in case like this the backyard maintenance at least is done by the homeowner.

<u>APPLICANT KLEPPE</u> – Well, being this is going to have an HOA, we can have CC&R's that dictate what the HOA is going to be maintaining and in this case they can dictate that for certain lots, the HOA is going to maintain the trees or whatever landscaping that they limit themselves to.

<u>CHAIR SIMS</u> – So for instance, I can't see for sure on here, but I'm looking at like lot 10 along street B, all the way across to lot 24. Yeah all those lots would have something put in the CC&R's that would require HOA maintain the trees so that there is buffering between the property owners and the trees be of such substance that they could get to an appropriate height.

<u>APPLICANT KLEPPE</u> – Correct

COMMISSIONER BARNES – What's the depth of those rear yards?

ASSOCIATE PLANNER MANRIQUE – The rear yards are 15 feet.

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<u>COMMISSIONER VAN NATTA</u> — Okay I have a concern with all of that. Okay, so you've got a 15 foot backyard and then you put trees back there and then you have to allow access for the HOA and you've got what a six foot fence behind it. How long is it going to take before the trees even get tall enough to where they are going to be higher than the six foot and provide any kind of protection at all without undermining the fence itself? To me it just seems a little silly to say okay we're going to have some... you've got a six foot fence there anyway. You have a very small backyard. It seems almost counterproductive to say okay you're going to put trees back there too. I would think that six foot fence would provide sufficient barrier between the property and the adjacent landowners. I don't think the trees would really offer that much additional buffering.

<u>CHAIR SIMS</u> – You're right when you look at the 15 foot. What I was trying to just come to... that is problematic with it only being 15 feet. I was just looking to provide a little bit more buffering.

<u>COMMISSIONER BARNES</u> – What does the guidelines dictate for patio covers on those rear yards and all the properties? Are they allowed?

<u>SPEAKER STAMEGNA</u> – That's a good question. Tom what do you think? We don't know the answer to that.

PLANNING OFFICIAL SANDZIMIER – Could I ask you to repeat the question?

<u>COMMISSIONER BARNES</u> – Those rear yards along the western property line and the interior ones too are fairly shallow; 15 feet. What is the rules regarding patio covers?

<u>PLANNING OFFICIAL SANDZIMIER</u> – In terms of the setback? The setback from the property line?

<u>COMMISSIONER BARNES</u> – Allowable or allowed

PLANNING OFFICIAL SANDZIMIER — My understanding I believe they would be allowable up to within three feet of the property line, however in the condominium type of development we'd have to understand what the CCNR regulations would be with regard to those sorts of improvements. One thing I would comment on with regard to the trees. Looking at the exposure of the woman who spoke this evening and looking at the lot development, planting trees may sound like a good thing today, but when those trees if when they were planted and grew to a certain height, they may start presenting other issues with regard to shadowing and shade and other things that may become problematic. With a 15 foot setback, the landscaping for each of the units is probably going to be a little different. It gives the property owner some opportunity to possibly plant some trees and so it may kind of correct itself, but if you insist that they plant trees, I'm just concerned that the trees may end up being problematic.

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<u>COMMISSIONER BARNES</u> – I agree. It's probably more problematic because then you've got overhang issues because the yards are so small.

COMMISSIONER VAN NATTA - And what you find when you have a Homeowners Association, there is usually an architectural committee that has to approve any addition to a property whether it's a patio cover or any other kind of structure that is attached to that, that would have to meet the standards for the community.

VICE CHAIR LOWELL – I have a quick question, piggybacking on Mr. Barnes comments. What are the setbacks for the specific property; the minimum setbacks?

ASSOCIATE PLANNER MANRIQUE – This was your typical R10. You have the front vard setback of 20. You have the street side yards at 20 and interior of 10. So in this case...

VICE CHAIR LOWELL – What about the rear?

ASSOCIATE PLANNER MANRIQUE – The rear is 15. Fifteen is also the minimum in Riverside for your R5 single family, so why these are small rear yards; they are pretty similar to back yards that you would see, especially in the southern end of town and the Moreno Valley Ranch. The project on Cactus and Delphinium has for the streets have 20 feet of landscaping, then the 15 feet from the year yards before you get to the first condos.

VICE CHAIR LOWELL – Well what are the condo setbacks? You said for a typical R10 these are the setbacks, but what about this specific project? What are the minimum setbacks? I know we're changing some of them, which was one the questions I was going to ask.

PLANNING OFFICIAL SANDZIMIER - The minimum setbacks that Claudia has indicated are the typical setbacks standards for a R10 product, however a Planned Unit Development; the reason you process a Planned Unit Development and the reason why we go through the Conditional Use Permit process is to afford the flexibility with regard to those development standards so that they are not so rigid, but what we're trying to do is to see that we come as close as possible to those setbacks. So those are kind of the guidelines when it comes to a Planned Unit Development.

VICE CHAIR LOWELL – The reason why I was asking is that some of the houses; the driveways are 20 feet long but the house in a typical development where a third car side turning garage would be is actually livable space. That looks to be varying about as close as 10 feet from the property line or from the

1 2 3	street right-of-way. I was curious if that is in fact the minimum. It seems really close to the street.
5 6 7 8	<u>ASSOCIATE PLANNER MANRIQUE</u> – One of the requirements for the PUD, it allows some of the fluctuation in the setbacks and so in the cases of any of the corner lots within the property, they may not reach the typical street setback of 20 feet.
9 10 11 12 13	<u>VICE CHAIR LOWELL</u> – Okay and along those same lines, if the minimum building setback for the rear yard is 15 feet, does that include decks and patios as Mr. Barnes was asking or does that go down to the 3 feet off the property line?
14 15 16	<u>ASSOCIATE PLANNER MANRIQUE</u> – With any patio covers are considered accessory structures so they can go all the way out closer to the rear fence.
17 18 19 20 21 22	<u>VICE CHAIR LOWELL</u> – So in theory, some of these people living behind Laurie, they have a 15 foot setback to the rear yard, they could build a walkable deck all the way up to two or three off the property line and basically have a bird's eye view of all what they are doing in their backyard. I know at my house when I built my deck, I was in a different zoning area. I had to maintain 15 feet off of the property line. It affords my neighbors a little more privacy.
23242526	ASSOCIATE PLANNER MANRIQUE - Right, decks have a different setback than a patio cover.
26 27 28	VICE CHAIR LOWELL - That's why I asked about those also
29 30 31 32	ASSOCIATE PLANNER MANRIQUE – And then as far as any decks, the HOA could just not allow them in the CC&R's and then we don't have to address that issue.
33 34 35 36 37	<u>VICE CHAIR LOWELL</u> – Well that's what I was asking, what would the setbacks be for a walkable deck? Is that the 15 foot for a structure, because if that is the case then it's a moot point because there not room for a walkable deck. It's just a pure curiosity more than anything.
38	PLANNING OFFICIAL SANDZIMIER - Give us a second. I'll find it.
39 40 41	<u>CHAIR SIMS</u> – We'll take a five minute break. You were looking up something, right before our break.

PLANNING OFFICIAL SANDZIMIER - I'm going to let Claudia give you the 43 44 answer.

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CHAIR SIMS – Very good, thank you 46

 ASSOCIATE PLANNER MANRIQUE — A second story deck would be an architectural element of the house, therefore you'd still have to have the 15 foot setback. Patio covers since they are just attached usually you can call that an accessory structure and that's why you can go out to the five feet.

<u>PLANNING OFFICIAL SANDZIMIER</u> – So I stand corrected, where I said I thought it would be three feet, it's actually five feet.

VICE CHAIR LOWELL - Thank you.

CHAIR SIMS – Okay

<u>ASSOCIATE PLANNER MANRIQUE</u> – And then a little point. Some of the elevations actually do have like a small decks on the second story like plan no. 5, but it is in the front of the house.

<u>CHAIR SIMS</u> – Okay, thank you. Okay we do have one more speaker is Ms. Rosa Chappelle. I got that right I hope.

SPEAKER CHAPPELLE – I'm Rosa Chappelle and I live on 24867 Cape Cod Street. I am two doors down from Ms. Lori Nickels and my concern is more of a parental concern. I have young children and by having two story buildings, they will be able to see my children play and that is very uncomfortable for me and then also that little gap that is in-between our fence and their fence; having the school right there, kids could be passing by. Even if there is trees, there is nothing blocking anybody from getting in-between there, so people can actually like hang out and do things that shouldn't be done in that area. It will leave a little alley and I won't see a safety net for my children, so that's my concern and that's what I would like for them to address so that way I know that my kids will be safe and comfortable while playing.

<u>COMMISSIONER VAN NATTA</u> – I have a question. If we bring up the aerial photograph, could you show us on the aerial photograph attachment no. 6, which house is yours? They're going to bring it up. Give it a second. It would be attachment 6.

<u>SPEAKER CHAPPELLE</u> – I am right here. (Inaudible – speaker is away from the microphone)

<u>COMMISSIONER VAN NATTA</u> - Okay, so you're backyard actually backs up to the project site.

<u>SPEAKER CHAPPELLE</u> – Right and I have... (Inaudible – speaker is away from microphone)

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_	OMMISSIONER VAN NATTA - Okay, now you said you live two doors down om the other speaker.
	PEAKER CHAPPELLE – Lori Nickels is right here (Inaudible – speaker is r the microphone)
<u>C</u>	OMMISSIONER VAN NATTA – Okay, but both of your backyards
<u>S</u>	PEAKER CHAPPELLE - (Inaudible - speaker is not at the microphone)
	HAIR SIMS - She lives right here. It looks like she lives here and NICKELs lives right there.
<u>S</u>	PEAKER CHAPPELLE - (Inaudible - speaker is not at the microphone)
	OMMISSIONER VAN NATTA – You're in one of the big lots. Okay, so NICKELs which one is your property?
<u>S</u>	PEAKER NICKELS – (Inaudible – speaker is not at the microphone)
<u>C</u>	OMMISSIONER VAN NATTA - Okay, alright, thank you.
w sc pl	PEAKER CHAPPELLE – My question also; I don't know how all this this orks, but is there any way that maybe they can put a one story home omething that's low so that way everybody is happy. I'm all for getting that ace filled with something, but I want to still have that sense of security for some.
	OMMISSIONER VAN NATTA – You were talking about the gap between whour back fence and theirs?
yo th go ar	PEAKER CHAPPELLE – If they're going to put a wall, where you were says ou wanted the trees in-between, that gap. As of right now, kids they warrough the field and they walk by our house. Sometimes we have to tell the away because they started doing stuff there, so that's just going to build rea where nobody will be seeing what they are doing and they can stay the nod you know.
	OMMISSIONER VAN NATTA — Is there a gap from where the back fence be property is to the fence of the adjoining homeowners there?
<u>C</u>	OMMISSIONER BARNES - They are conditioned to put in a two foot dit

COMMISSIONER VAN NATTA – Okay, so that is what you're talking about was that ditch.

<u>APPLICANT KLEPPE</u> – (Inaudible – applicant is not at the microphone)

<u>COMMISSIONER BARNES -</u> Generally in situations like this isn't it the desire that there only be one fence, so theoretically these people could remove their rear fence and use the project's block wall as their rear yard wall.

COMMISSIONER VAN NATTA – No, because you still have that drainage ditch there.

<u>COMMISSIONER BARNES</u> – Right, but lots of properties have ditches along the back of the property.

<u>VICE CHAIR LOWELL</u> - If I can ask the applicant, what kind of drainage issue is there for run-on from these neighboring developments? Is it a lot? Is it a little bit? Is it something that can be mitigated with a little bit of grading and keep the water on the individual homeowners properties?

<u>APPLICANT KLEPPE</u> – (Inaudible – applicant is not at the microphone)

<u>PLANNING OFFICIAL SANDZIMIER</u> – Mr. Chairman if I may. Because the meetings are recorded, if there is going to be any speaking, it is probably best if they are done through the microphone so that it is on the record.

CHAIR SIMS – Yes, please

<u>APPLICANT KLEPPE</u> – The properties to our west are two or three feet roughly higher than our property is now and there is a 2 to 1 slope coming down from their property to ours. They own to the toe of the slope, but their fences only go to the top of the slope, so there is an exposed piece of the slope that any rainwater runs off that slope onto our property and that's why we had proposed pulling our perimeter wall in and putting in a v- ditch to collect that water and take it through our storm drain systems so it doesn't accumulate back there and cause other problems.

<u>VICE CHAIR LOWELL</u> – I have a question for mitigating this, wouldn't it... let me back up a couple of things, I'm trying to say three things at the same time. I can't tell on this tentative map besides the slope what direction does the water naturally flow. From the top of the slope to west, does it flow to the west or does it flow towards your property?

<u>APPLICANT KLEPPE</u> – In their property, on their side of the wall, it flows to the west.

VICE CHAIR LOWELL - So if we could somehow magically get all these
homeowners, which I don't know if it is possible allow you permission to grade
off-site, fill that slope in completely, put your block wall or your fence on the
property line, extend their individual fences out to yours, you would mitigate that
need for the v-ditch and it might be less expensive, because you are going to
have to put in concrete and just a little bit of dirt to fill in the rest of that slope.
Would that be even a possibility?

<u>APPLICANT KLEPPE</u> – Engineering wise it's possible. It would have to be a retaining wall at that point which would be more costly than the v-ditch. I'd have to let the developer answer to the question whether it is something he'd like to entertain though, because it is more costly with the import of the dirt, coordinating with the seven or eight homeowners, but let me let Mr. Stamegna answer that.

 <u>SPEAKER STAMEGNA</u> – The cost I believe would be pretty much the same. The only problem is the coordination with the neighbors. You know how it goes when you want to get the neighbors, but if Laurie would help us... no, no seriously, but if you could help us achieve that, we would put a retaining wall. We would love to achieve that and do that; put a retaining wall instead of a v-ditch.

COMMISSIONER BARNES – If one of the six says no, then scenario falls apart.

COMMISSIONER VAN NATTA – Yeah because everybody would have to agree.

<u>COMMISSIONER BARNES</u> – I have another question for the engineer. What's the relationship along the school?

<u>APPLICANT KLEPPE</u> – Along the school there is an improved concrete channel which is about six or eight inches deep. It is a u-shaped channel and it's about... I'm remembering it as a u-shape but it might be gentle-v and it's about five or six feet wide, so that would be a...

COMMISSIONER BARNES – On the p.l. outside their fence?

<u>APPLICANT KLEPPE</u> – It's outside their fence on their property, so when we put our fence up, there will be that area that would be creating an alley. I think the solution is to put some chaik line cross-fencing at strategic locations, because that is the school's property and they would be responsible for maintaining it.

COMMISSIONER BARNES – What's the purpose of that ditch? Do you know?

<u>APPLICANT KLEPPE</u> – That collects water that is from the south side of their subdivision and runs into Delphinium. I can't say that it works because I haven't been out there, but...

<u>COMMISSIONER BARNES</u> – From the south side of their subdivision, so it turns the corner and goes south to Delphinium.

APPLICANT KLEPPE – Yes it...

<u>VICE CHAIR LOWELL</u> – It's kind of hard to see but now that you know what you're looking for you can see it.

COMMISSIONER BARNES – Got ya... okay

<u>CHAIR SIMS</u> – Okay, so do we have any more... to wrap up this public comments? I think we have it. Do we have any more...?

GRACE ESPINO-SALCEDO – We do not have any more speaker slips.

<u>CHAIR SIMS</u> – Okay then I would propose we close the public comments then. Alright, so, we'll open it up for discussion to the Commissioners for questions or discussion.

<u>VICE CHAIR LOWELL</u> – I think what we've talked about so far is great brainstorming. I like the idea of reclassifying some of these entrances so we have two points of entrance and exit. The v-ditch situation, that is something that the applicant can discuss and if they can get permission from the surrounding one, two, three, four, five, six, seven homeowners to get permission to grade off-site, I think that would be a great mitigation. It would solve one of the public speakers concerns about having that gap between fences where there is room for mischief to happen. I think that's the greater good to have that fixed. The water quality basin issue; I think we've discussed that; the bio-retention facility. I think the project; I think it's a great place. I think it's a great infill. I think all in all, everybody's going to be happy. I welcome you guys to the City.

COMMISSIONER VAN NATTA — I was looking at this project and comparing it to another one that I'm familiar with that is on Nason, between Fir and Eucalyptus, which also has a single major point of entry. It has another point of entry that is used only by the residents with a clicker and then another entrance that is only used for Fire access. Where this appears to be superior is not only are the houses a little bit larger and the lots a little larger but this one actually has the 20 foot setback for the driveways, which that other project does not have, which causes problems because I know a lot of people who have a two or three car garage and don't park their cars in the garage, myself included and it's nice to have a place outside the house, not on the street where you can part your car, so overall this looks good with the conditioning of those entrances and exits being clarified as to what they are going to be used for. I think overall it's a good project. It would be nice if along with all this, if some things worked out with the residents for the grading, if maybe they could even be given a little bit of a landscape allowance to put some trees on their own property to block the view if

they don't want people looking into their yards. I don't know, but that's not something I would be willing to put as a condition; just you know put trees on your own property.

<u>COMMISSIONER BARNES</u> – I agree. I think it's a creative and well-conceived project. I do think one of the things that will impact the neighbors is the space between the two walls, so I'm not sure that we can condition them to do anything because it's not their property but I'd like to see them make every effort to somehow eliminate that space between the two rear yard fences, even to the point of offering to maybe extend the side yards fences to their wall so that there is not a corridor between the two fences. If the adjacent owners don't want to move their rear fence, at least block the corridor with side yard fences and in addition to that if a conversation could be had with the School District to eliminate that, because kids will take advantage of that big time. Other than that, I like the project a lot. It's very creative and obviously an improvement over a vacant field, so I wish them the best of luck.

CHAIR SIMS – Any other comments? I'm ready for a motion.

<u>COMMISSIONER VAN NATTA</u> – Would you like me to do it so I can include this other condition that we talked about?

CHAIR SIMS – Yes

<u>COMMISSIONER VAN NATTA</u> – Okay. I move that we **APPROVE** Resolution No. 2014-29 and thereby:

A. **ADOPT** a Mitigated Negative Declaration for PA14-0014 CUP and PA14-0015 (TTM 36708) pursuant to the California Environmental Quality Act (CEQA) Guidelines; and,

B. APPROVE PA14-0014 CUP and PA14-0015 (TTM 36708) based on the findings contained in the resolution and subject to the conditions of approval included as Exhibit A of the resolution and also subject to the conditioning the Delphinium entrance exit being accessible only to residents. The exit at Perris Boulevard being an exit only and the main entrance on Cactus being entry and exit.

COMMISSIONER BAKER – I second that

CHAIR SIMS – Okay we have a first and second. I think we're ready for a vote.

COMMISSIONER RAMIREZ – Yes

COMMISSIONER BARNES – Yes

COMMISSIONER VAN NATTA – Yes

COMMISSIONER BAKER – Yes
VICE CHAIR LOWELL - Yes
CHAIR SIMS - Yes
CHAIR SIMS - Okay, can we have Staff wrap up?
<u>PLANNING OFFICIAL SANDZIMIER</u> – This is also a Conditional Use Permit. is subject to an appeal. Anybody interested in filing an appeal can submit tappeal through the Community Development Director, fifteen days following taction. If an appeal is filed, the item will be taken back to the City Council consideration of the appeal.
<u>CHAIR SIMS</u> – Thank you.
OTHER COMMISSION BUSINESS
Discussion of PC Rules and Procedures (continued from 9/26/14)
September 26 th . Would anybody be opposed if we continued that to the nescheduled meeting? COMMISSIONER VAN NATTA — I move that we continue that to the meeting January 8 th , when it apparently seems that we will only have one other item the Agenda.
COMMISSIONER BAKER - I'll second that.
CHAIR SIMS - Okay, I'm ready for a vote.
COMMISSIONER BAKER – Yes
COMMISSIONER VAN NATTA – Yes
COMMISSIONER BARNES – Yes
COMMISIONER RAMIREZ – Yes
VICE CHAIR LOWELL - Yes

2 CHAIR SIMS – Yes

STAFF COMMENTS

CHAIR SIMS – Okay does Staff have any comments they'd like to add tonight?

PLANNING OFFICIAL SANDZIMIER – In consideration of the hours, I'll just add a couple. In addition to John Terell's retirement, we do have another significant retirement and that's Denise Bagley. If any of you have worked with Denise over the years, she has been a long term employee. We're sad to see her go, but her last day will also be next week, so if you have a chance to see her and you want to wish her well, she is our Ombudsman who has worked very hard in the economic development efforts. I've been asked a couple of times about what we're doing with the vacant Chair Giba; the vacant former Chair Giba's seat. The City Clerk has posted a recruitment for the replacement of the Chairman's seat. It's being wrapped up into the advertisement for the three current Planning Commissioners whose term would also expire on March 31st, so after March 31st, we'll be basically be filling all four seats. We don't have an expectation that the seat will be filled before March 31st. Just for your information. If you have any other questions on that you can give me a call and I'll try and give you more details on that. Again because of the lateness of the night, that'll be it.

PLANNING COMMISSIONER COMMENTS

 <u>CHAIR SIMS</u> – Do any comments of the Commissioners have any comments they'd like to make?

<u>COMMISSIONER VAN NATTA</u> – Since we've now been actually told that Denise Bagley is leaving, I just want to say that she has been an absolute boon to the City. Her involvement with the community, her constant presence in working with the Chamber of Commerce and helping to bring more businesses in and helping the businesses who are here to succeed, her involvement in the Employment Opportunity Center; the woman is tireless. I don't know how she finds time to do all the things that she does, but she will be sorely missed.

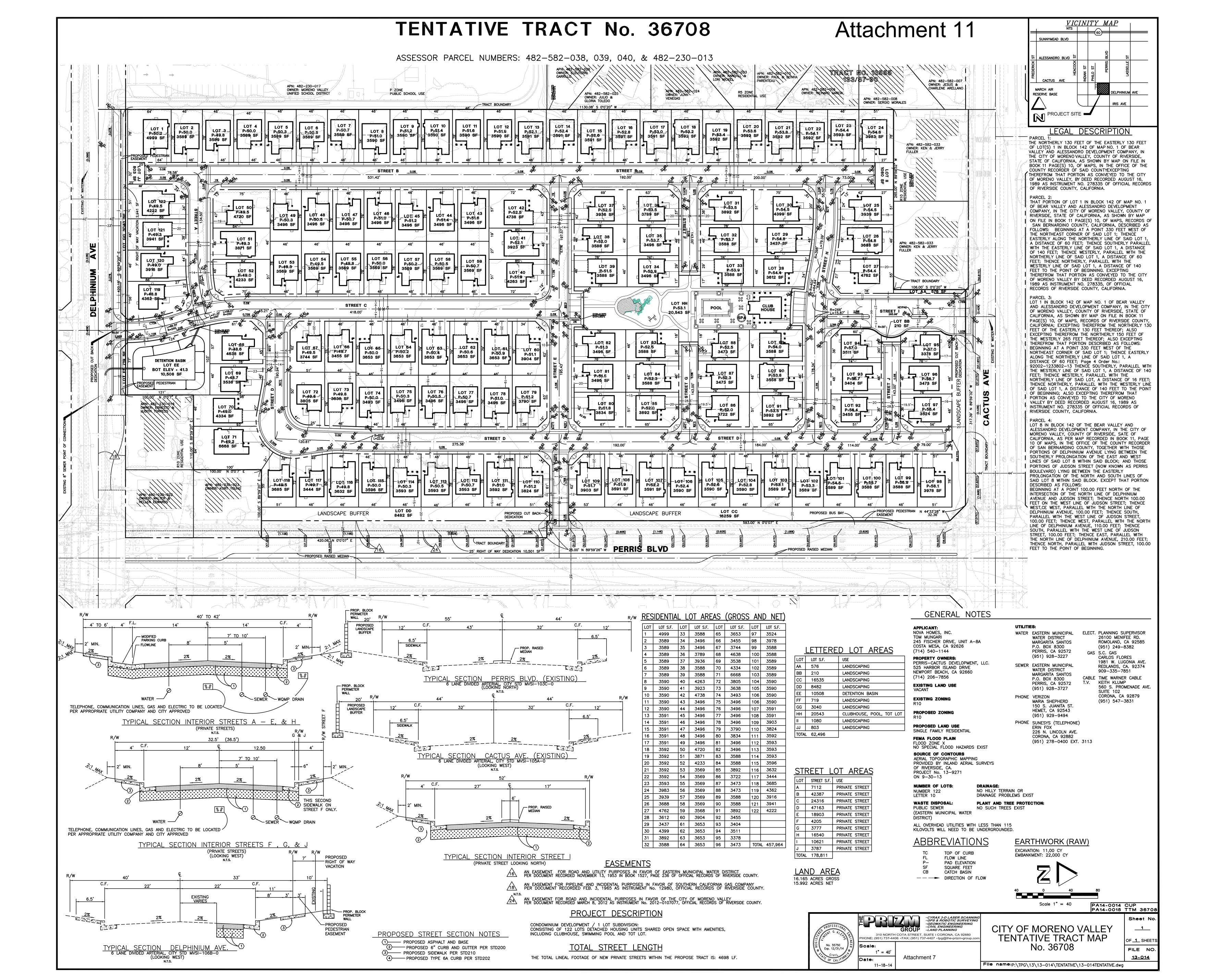
CHAIR SIMS – Any other Commissioners?

1 2	<u>COMMISSIONER BARNES</u> – No comments, it's late.
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5 6 7	ADJOURNMENT
8 9	CHAIR SIMS – Alright do we have a motion to adjourn?
10 11	COMMISSIONER BAKER – I motion we adjourn
12 13	COMMISSIONER VAN NATTA – I second it.
14 15 16	COMMISSIONER BARNES – I second it.
17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36	CHAIR SIMS – All those in favor? NEXT MEETING Planning Commission Regular Meeting, January 8 th , 2015 at 7:00 pm, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA, 92533.
37 38 39 40 41 42 43 44 45	Richard Sandzimier Date Planning Official Approved

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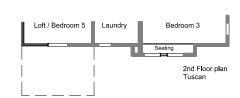




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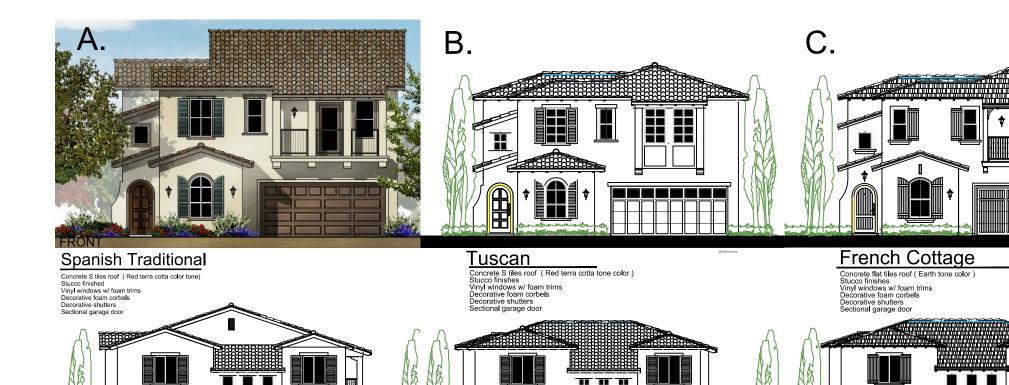
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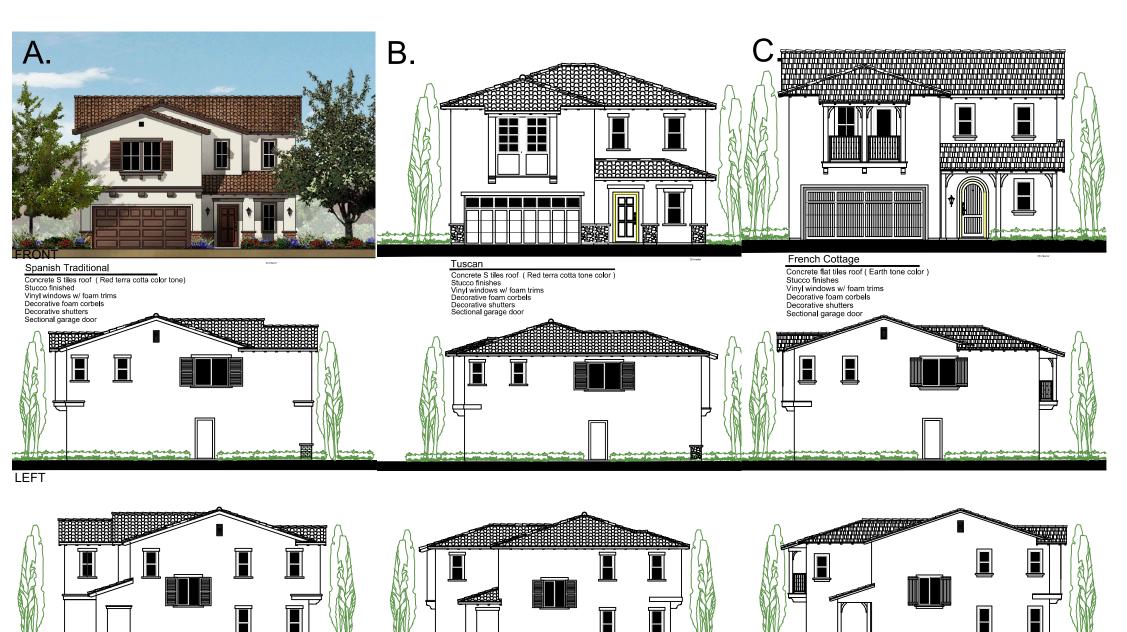


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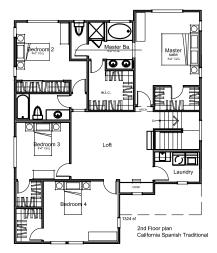
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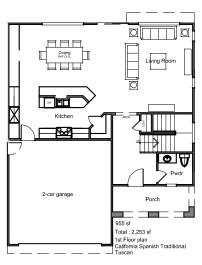
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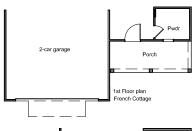
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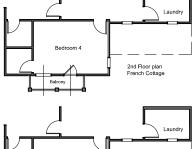


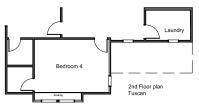












ISLA VERDE Plan 2 - 2,253 S.F.

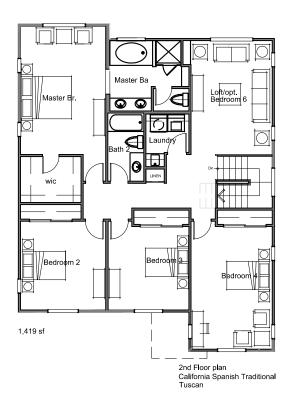


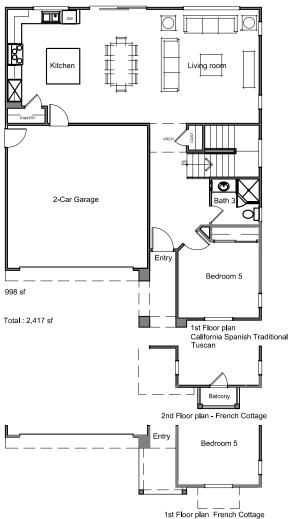
RIGHT

715-

E.3

REAR

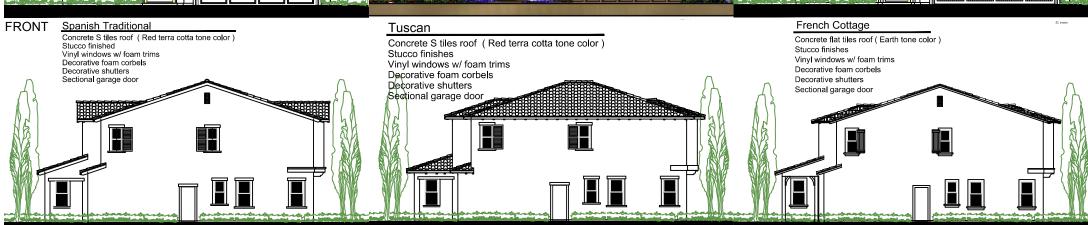




ISLA VERDE Plan 3 2,417 S.F.





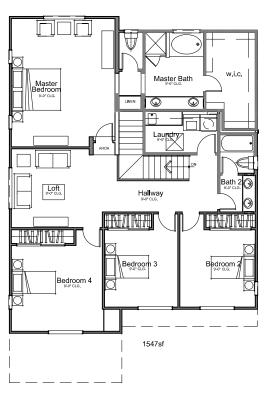


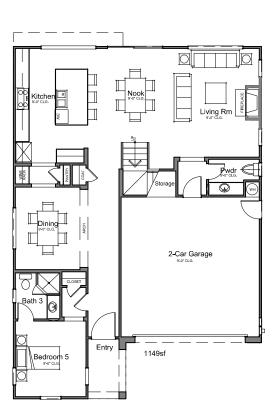
LEFT



RIGHT







ISLA VERDE Plan 4 2,696 S.F.



-717-

Item No. E.3





Aerial Photograph PA14-0014 & PA14-0015





Legend

Public Facilities

- Public Facilities
- Fire Stations
- Parcels
- City Boundary
- Sphere of Influence

Attachment 6

Notes

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. PA14-0014 (CUP): 122 Unit PUD and PA14-0015 (TTM) Tentative Tract Map

SS_1984_Web_Mercator_Auxiliary_Sphere

Print Date: 11/10/2014

944.8 Feet

472.39

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January 8, 2015

Claudia Manrique City of Moreno Valley 14177 Frederick Street Moreno Valley, CA 92552-0835

Re: PA14-0014; PA14-0015; TTM 36708

Dear Claudia,

Please consider this letter our formal request to continue the above referenced matter now scheduled to be heard by the City Council on January 27, 2015 to February 10, 2015.

Thank you.

Sincerely,

Nova Homes, Inc.

Ivano Stamegna

245 Fischer Ave. Unit A-8A, Costa Mesa, CA 92626 Tel. (714) 540-1144 | Fax. (714) 540-1101 | www.novahomesinc.us This page intentionally left blank.

RECEIVED

JAN 1 2 2015

CITY OF MORENO VALLEY
Planning Division

January 12, 2015

ATTN: Richard Sandzmier

City of Moreno Valley Planning Department

FROM: Lori Nickel

RE: Appeal

Dear Richard,

I write today regarding the pending appeal PA 14-0014/0015 (122-unit residential development west of Perris Blvd between Cactus and Delphinium). My current understanding of the said appeal effectively suspends the Statue of Limitations for CEQA challenges initiated by the City's December 22nd filing of a Notice of Determination following the December 11th Planning Commission meeting.

My further understanding is that the Notice of Public Hearing and Environmental Determination published in the Press-Enterprise on January 7, 2015 reflects an intent that the City Council will make a new CEQA determination when it hears the appeal. Please confirm this understanding or provide any correction as the Statue of Limitations for the December 22nd filing is quickly approaching, warranting a quick review.

As per our conversation last week my husband and I, as well as two additional residents on Cape Cod St. had meetings with Ivano Stamegna and Tom Mungari of Nova Homes. The meetings were cordial and productive. The meetings resulted in a mutual agreement regarding changes in the project design along the west site boundary. We also provided personal experience regarding traffic flow on Cactus Avenue which gave Nova Homes pause for concern and may influence changes relating to access points for the project.

We also discussed and mutually agreed that a continuance from the currently noticed January 27th hearing date would be appropriate. This will allow time for Nova Homes to make the discussed changes, for the adjacent residents to review the revisions, to resolve any remaining details between Nova Homes and myself as the Appellant. The postponement will further provide time for staff to assess the revisions and produce the staff report in accordance with internal deadlines for the City Council meeting and public noticing requirements.

Mr. Stamegna and I have a verbal agreement for continuing the appeal hearing date to the City Council Meeting of February 10, 2015. I am fully aware it is my right for my appeal to be heard at the City Council Meeting set for January 27th, 2015. I retain the right to still be heard at the City Council Meeting of January 27, 2015 should the planning department fail to receive a letter in good faith from Nova Homes in agreement to the new meeting date of February 10, 2015.

Lastly, I wish to thank you and your staff for your time and consideration. I look forward to working with all parties to bring forth a project of the highest standards mutually benefiting to all residents, existing and future, in the City of Moreno Valley.

Sincerely,

Lori Nickel Appellant Mickel



APPROVALS	
BUDGET OFFICER	me
CITY ATTORNEY	SMB
CITY MANAGER	D

Report to City Council

TO: Mayor and City Council

FROM: Allen D. Brock, Interim Community and Economic Development

Director

AGENDA DATE: January 27, 2015 (Continued from December 9, 2014)

TITLE: A PUBLIC HEARING FOR THE PROLOGIS EUCALYPTUS

INDUSTRIAL PARK PROJECT AND RELATED ENVIRONMENTAL IMPACT REPORT. THE PROJECT PROPOSES A GENERAL PLAN AMENDMENT FOR APPROXIMATELY 33 ACRES AND A ZONE CHANGE FOR APPROXIMATELY 84 ACRES. THE LAND USE CHANGES ARE REQUIRED FOR DEVELOPMENT OF FOUR WAREHOUSE DISTRIBUTION BUILDINGS TOTALING 1,529,498 THE DEVELOPER ALSO PROPOSES SQUARE FEET. TENTATIVE PARCEL MAP NO. 35679 TO SUBDIVIDE THE PROJECT SITE INTO FIVE PARCELS. A GENERAL PLAN AMENDMENT IS ALSO REQUIRED FOR PROPOSED CHANGES TO THE CITY'S GENERAL PLAN CIRCULATION ELEMENT AND THE MASTER PLAN OF TRAILS. THE SITE IS LOCATED SOUTH OF STATE ROUTE 60 AND EAST OF THE MORENO VALLEY AUTO MALL, AT FIR AVENUE (FUTURE EUCALYPTUS AVENUE) AND BETWEEN PETTIT STREET AND THE QUINCY CHANNEL.

THE APPLICANT IS PROLOGIS

RECOMMENDED ACTION

Recommendations: That the City Council:

- Conduct a public hearing for Prologis Eucalyptus Industrial Park Project:
- Approve Resolution No. 2015-04. A Resolution of the City Council of the City of Moreno Valley, California, Certifying the Final Environmental Impact Report (P07-186) and Adopting the Findings and Statement of Overriding Considerations and Approving the Mitigation Monitoring Program for the Prologis Eucalyptus Industrial Park Project.

- Approve Resolution No. 2015-05. A Resolution of the City Council of the City of Moreno Valley, California, Approving a General Plan Amendment (PA07-0082) from the R15 Land Use Designation to Business Park for Approximately 33 Acres for Development of a 1,529,498 Square Foot Industrial Park located within Assessor's Parcel Numbers 488-330-011, 488-330-022, 488-330-023, 488-330-024 and 488-330-032.
- 4. Introduce Ordinance No. 883. An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Zone Change (PA07-0081) from Business Park, Business Park Mixed-Use, and R15 to Light Industrial for Approximately 84 Acres for Development of a 1,529,498 Square Foot Industrial Park located within Assessor's Parcel Numbers 488-330-011, 488-330-022, 488-330-023, 488-330-024 and 488-330-032.
- Approve Resolution No. 2015-06. A Resolution of the City Council of the City of Moreno Valley, California, Approving Master Plot Plan Application PA07-0083 and Plot Plan Applications PA07-0158, PA07-0159, and PA07-0160 for Development of the 1,529,498 Square Foot Prologis Eucalyptus Industrial Park Project within the 84 Acres of Assessor's Parcel Numbers 488-330-011, 488-330-022, 488-330-023, 488-330-024 and 488-330-032.
- Approve Resolution No. 2015-07. A Resolution of the City Council of the City of Moreno Valley, California, Approving Tentative Parcel Map 35679 (PA07-0084) for Development of the 1,529,498 Square Foot Prologis Eucalyptus Industrial Park Project within the 84 Acres of Assessor's Parcel Numbers 488-330-011, 488-330-022, 488-330-023, 488-330-024 and 488-330-032.

SUMMARY

This report recommends Certification of an Environmental Impact Report for the Prologis Eucalyptus Industrial Park Project and approval of the related General Plan Amendment, Zone Change, Plot Plan and Tentative Parcel Map applications. This item has been continued five times by the City Council, most recently from the December 9, 2014 City Council meeting at the applicant's request to provide the newly elected members of the City Council adequate time to review the modified version of the project as presented in the staff report and related environmental documents.

DISCUSSION

Background

The project has been under consideration since September 2007. Between September 2007 and October 2012 the project was processed through multiple City plan reviews, which involved various iterations and refinements to the scope, size, conditions and mitigation measures for the project. In 2012 public outreach efforts were conducted by the project applicant. These efforts included distribution of project brochures, neighborhood walks and a community open house. Also in summer of 2012 the Draft Environmental Impact Report (DEIR) for the project was completed and circulated for the requisite public review. Between late 2012 and early 2014 the Final Environmental

Impact Report (FEIR) was assembled for public hearings and discretionary actions through the City Planning Commission and City Council. Planning Commission hearings were held in March and April 2014. On April 24, 2014 the Planning Commission on a 4-3 vote took action to recommend approval of the various project applications and certification of the FEIR by the City Council. Since that time, City Council hearings on the project have been held on June 24th, July 8th, and August 26th 2014. At the City Council meeting of August 26th the City Council, at the request of the applicant, took action to continue the public hearing to October 14, 2014. A public hearing was scheduled and noticed for this item on October 14, 2014 to discuss a reduced intensity alternative developed by the applicant for the project. At the City Council meeting on October 14, 2014, the City Council voted to continue the item to December 9, 2014.

On November 4, 2014 a general election was held including consideration of various seats on the City of Moreno Valley City Council. As a result of the election three new members of the City Council were seated at the December 9th City Council meeting. As stated in the attached letter dated December 2, 2014, from the Prologis Eucalyptus Industrial Park Project applicant, a continuance of the December 9th public hearing to the January 27, 2015 City Council meeting was requested. The continuance was requested to provide the City Council, particularly the newly elected City Council members, ample time to review the staff report and related documents for the project so that they are in an informed position to take action on the items.

Copies of the previous City Council staff reports, the project EIR and proposed plans are available at the City's website at the following link: http://www.moval.org/city council/agendas-sire.shtml

ENVIRONMENTAL

All required steps in the preparation of an Environmental Impact Report have been satisfied for this project including the preparation of an Initial Study Checklist and Notice of Preparation with a public meeting. A Draft Environmental Impact Report (DEIR) was prepared and made available to all responsible agencies and interested parties and the public. This was followed by the preparation of responses to all comments on the DEIR and preparation of a Final Environmental Impact Report (FEIR).

The FEIR was updated in September 2014 for consistency with the applicant's request to develop the Reduced Intensity Alternative. The updated FEIR was re-distributed to all commenting agencies and interested parties in advance of the October 14, 2014 public hearing.

Further details regarding each step in the preparation of the project EIR are available in the City Council Staff Report dated October 14, 2014 and attached to this staff report.

Both the Draft EIR, and the Final EIR were made available for public review at City Hall, the City Library and posted on the City's website in advance of Planning Commission and City Council public hearings.

Significant and Unavoidable Impacts

Analysis presented in the FEIR indicates that the proposed project will have a number of potentially significant impacts. The FEIR includes mitigation measures to reduce or eliminate potential significant impacts. However, even with proposed mitigation, a number of potential impacts cannot be reduced to a less than significant level. As identified in the Final EIR document, these impacts are considered to be significant and unavoidable. Where a project's impacts cannot be reduced to less than significant levels, CEQA allows a decision making body to consider a statement of overriding considerations and findings. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the decision making body determines that the benefits of a proposed project outweigh the unavoidable adverse environmental effects, it may adopt the statement of overriding considerations and approve the project.

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Noise, Transportation, and Greenhouse Gases and Global Climate Change. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

The City Council has taken public testimony on the EIR and project. Before the proposed project can be acted upon, the City Council will need to review the final environmental document before making a decision to either certify or reject the EIR and project Mitigation Monitoring Program, and Statement of Overriding Considerations.

ALTERNATIVES

- Certify the Environmental Impact Report and approve the applications for the Prologis Eucalyptus Industrial Park project. This action would establish Light Industrial zoning along the south side of State Route 60, allowing development of approximately 1.5 million square feet of warehouse distribution use. This action would change 33 acres of R15 zoned land to Light Industrial land use and allow for warehouse distribution uses south of Fir Avenue/Future Eucalyptus Avenue. Staff recommends this alternative.
- 2. Do not Certify the Environmental Impact Report and Deny the applications for the Prologis Eucalyptus Industrial Park Project. This action would retain the current

General Plan and Zoning designations for the project site which allow for commercial, business park and office type uses in buildings of 50,000 square feet or less along the State Route 60 frontage. Also, the R15, R5 and RA-2 zoned land would remain available for future residential development. Staff does not recommend this alternative.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

The recommended Reduced Intensity Alternative is consistent with the following City Council goals:

- Revenue diversification Development of the project will develop a variety of City revenue sources to create a stable revenue base to support essential City services, regardless of economic climate.
- Positive Environment The architectural design and the site design of the proposed project will create a positive environment for the development of Moreno Valley's future.
- Community Image, Neighborhood Pride and Cleanliness The project as designed and conditioned will construct needed public infrastructure and provide attractive parkway and private landscape that can promote a sense of community pride and foster an excellent image for our City.

NOTIFICATION

Public noticing for the October 14, 2014 City Council hearing was conducted. As that public hearing was continued by the City Council to a date specific, December 9, 2014, and subsequently continued to a date specific, January 27, 2015, no further public noticing was required.

At each continuance, Planning staff has updated the posted notices on the site to reflect the December 9, 2014 and January 27, 2015 meetings.

ATTACHMENTS

- 1. Public Hearing Notice
- 2. City Council Staff Report December 9, 2014
- 3. City Council Staff Report August 26, 2014
- 4. City Council Staff Report July 8, 2014
- 5. City Council Staff Report June 24, 2014
- 6. Proposed Resolution No. 2015-04
- 7. Proposed Resolution No. 2015-05
- 8. Proposed Ordinance No. 883
- 9. Proposed Resolution No. 2015-06
- 10. Proposed Resolution No. 2015-07

- 11. Aerial Map
- 12. Original Master Plot Plan
- 13. Reduced Intensity Alternative Architectural Plans
- 14. Preliminary Grading Plan
- 15. Tentative Parcel Map 35679
- 16. Public comment letters March 13, 2014 Planning Commission meeting
- 17. Public comment letters April 24, 2014 Planning Commission meeting
- 18. Responses to April 24, 2014 comment letters
- 19. Planning Commission Staff Report March 13, 2014
- 20. Planning Commission Staff Report April 24, 2014
- 21. Planning Commission minutes from March 13, 2014 and April 24, 2014 meetings
- 22. Public comment letters and Responses June 24, 2014 City Council meeting
- 23. Public comment letters and Responses October 14, 2014 City Council meeting
- 24. Revisions to CEQA Findings and Statement of Overriding Considerations
- 25. Continuance Request Letter July 3, 2014
- 26. Continuance Request Letter June 30, 2014
- 27. Continuance Request Letter August 5, 2014
- 28. Continuance Request Letter December 2, 2014
- 29. Revisions to Final Environmental Report September 2014
- 30. Comment letters since 10-14-14
- 31. Response to comment letters since 10-14-14
- 32. Final Environmental Impact Report
- 33. Draft Environmental Impact Report
- 34. Revisions to CEQA Findings October 2014

Prepared By: Jeff Bradshaw Associate Planner Department Head Approval: Allen D. Brock Interim Community & Economic Development Director

Concurred By: Richard J. Sandzimier Planning Official ITEM E.4 - A PUBLIC HEARING FOR THE PROLOGIS EUCALYPTUS INDUSTRIAL PARK PROJECT AND RELATED ENVIRONMENTAL IMPACT REPORT. THE PROJECT PROPOSES A GENERAL PLAN AMENDMENT FOR APPROXIMATELY 33 ACRES AND A ZONE CHANGE FOR APPROXIMATELY 84 ACRES. THE LAND USE CHANGES ARE REQUIRED FOR DEVELOPMENT OF FOUR WAREHOUSE DISTRIBUTION BUILDINGS TOTALING 1,529,498 SQUARE FEET. THE DEVELOPER ALSO PROPOSES TENTATIVE PARCEL MAP NO. 35679 TO SUBDIVIDE THE PROJECT SITE INTO FIVE PARCELS. A GENERAL PLAN AMENDMENT IS ALSO REQUIRED FOR PROPOSED CHANGES TO THE CITY'S GENERAL PLAN CIRCULATION ELEMENT AND THE MASTER PLAN OF TRAILS. THE SITE IS LOCATED SOUTH OF STATE ROUTE 60 AND EAST OF THE MORENO VALLEY AUTO MALL, AT FIR AVENUE (FUTURE EUCALYPTUS AVENUE) AND BETWEEN PETTIT STREET AND THE QUINCY CHANNEL. THE APPLICANT IS PROLOGIS. (CONTINUED FROM DECEMBER 9, 2014)

(Report of: Community & Economic Development Department)

TO VIEW THE ATTACHMENTS 1 - 33:

PLEASE PLACE THE FOLLOWING LINK IN YOUR ADDRESS BROWSER

http://www.moval.org/prologis1-27-15/index.html

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